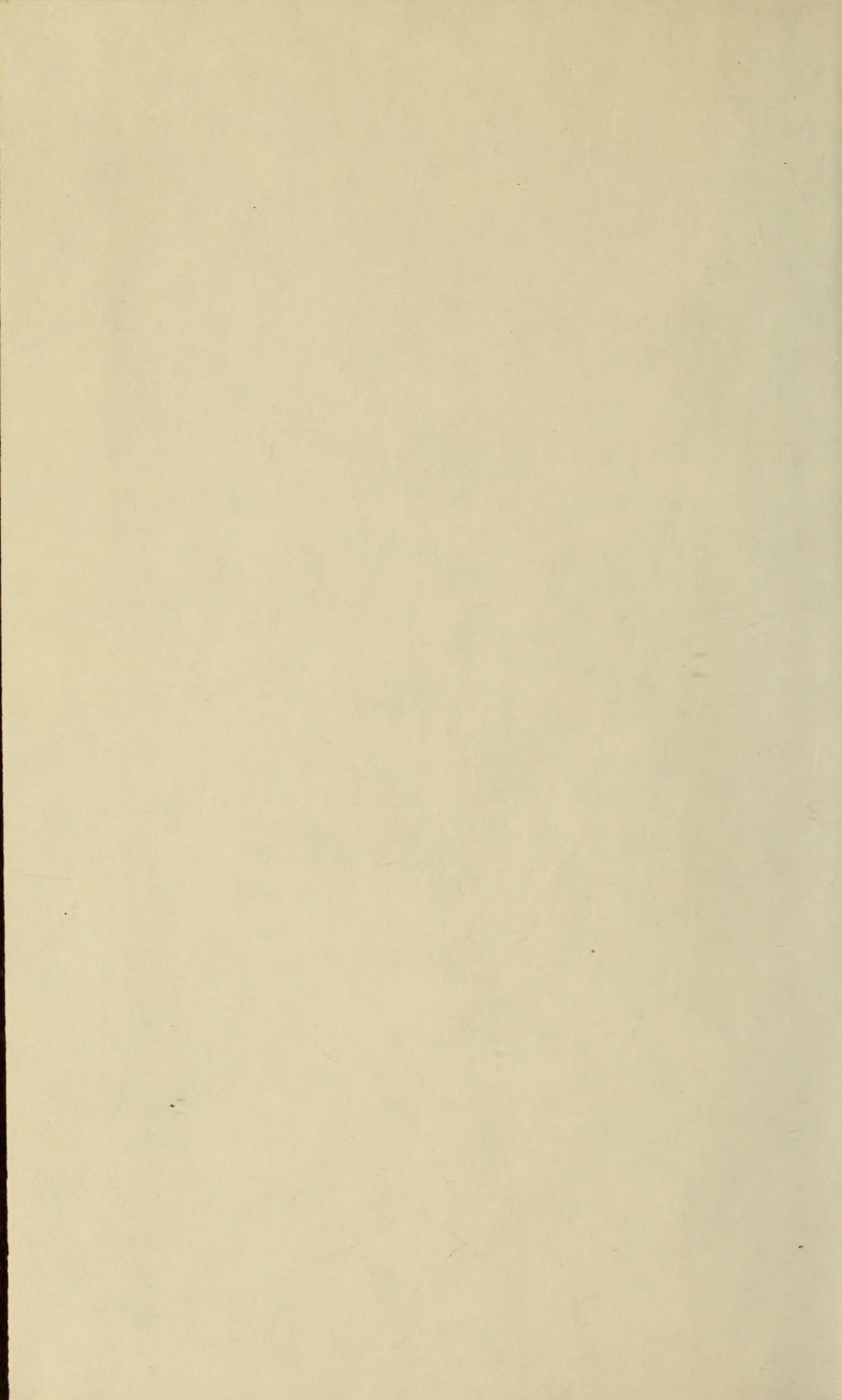
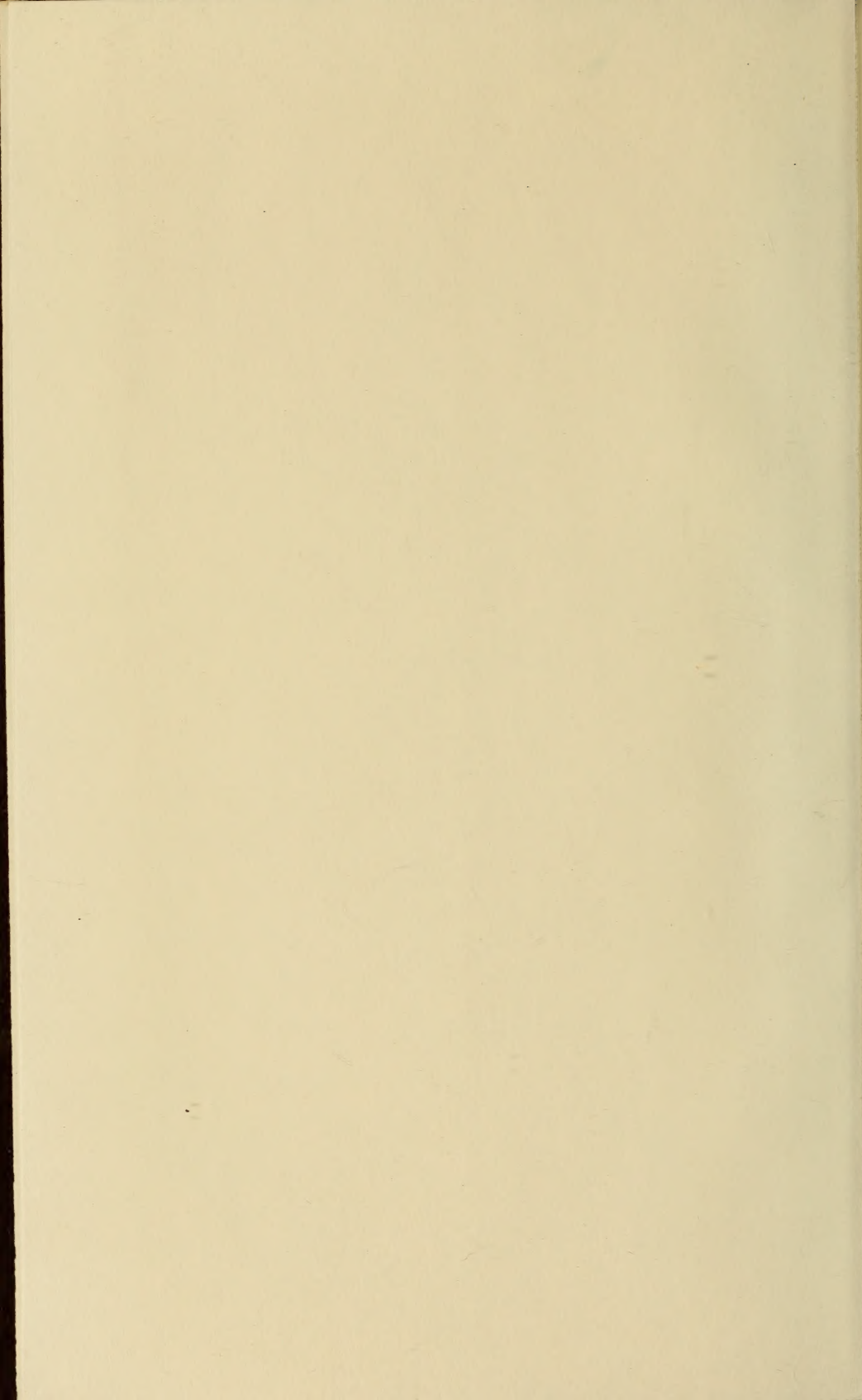


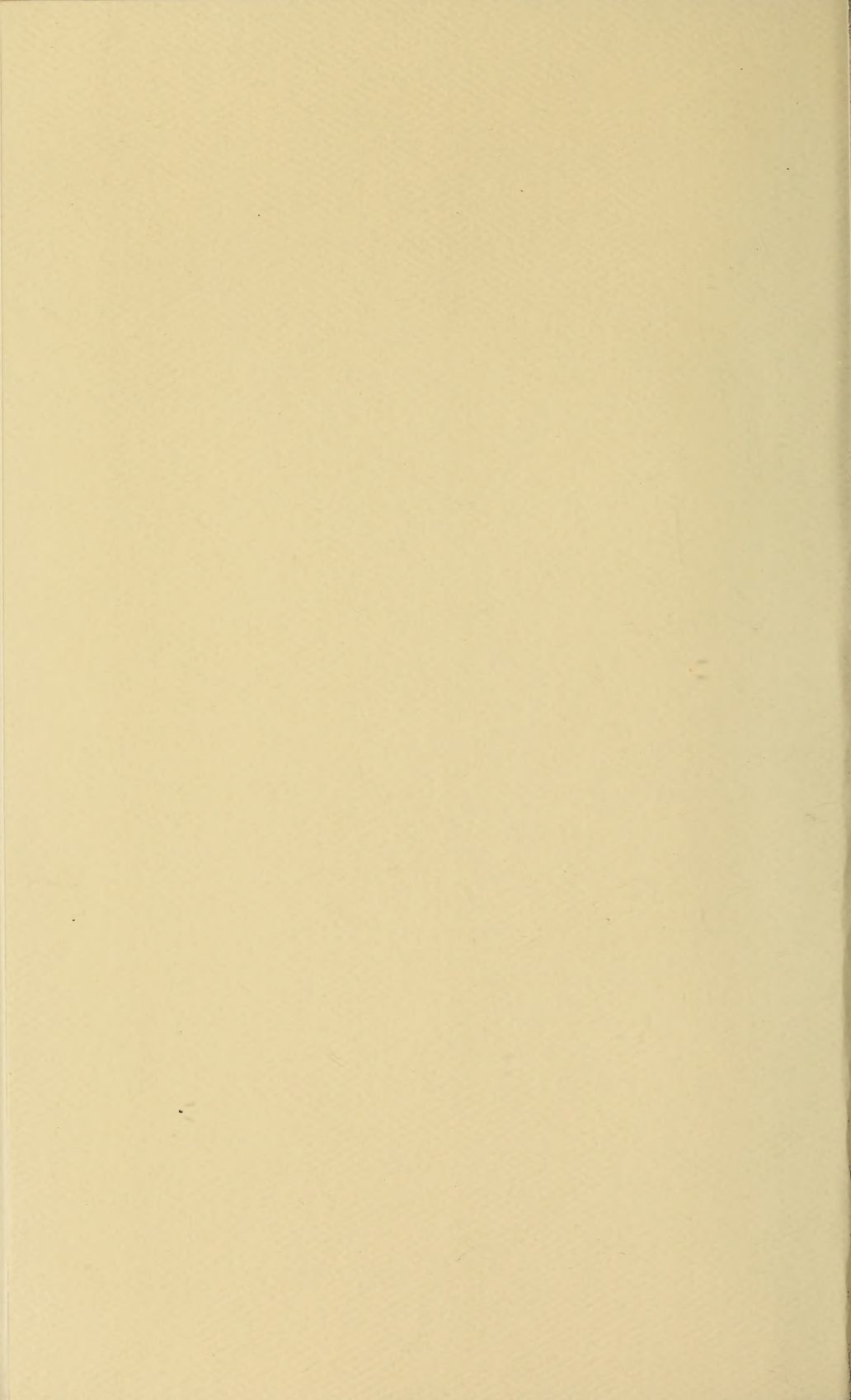




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Baltimore. Ordinances, etc.

ORDINANCES AND RESOLUTIONS

OF THE

MAYOR AND CITY COUNCIL
OF BALTIMORE

PASSED AT THE ANNUAL SESSION 1984-1985



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ORDINANCES AND RESOLUTIONS

OF THE

MAYOR AND CITY COUNCIL

OF BALTIMORE

PUBLISHED BY THE MAYOR AND CITY COUNCIL



1874

1875

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1878

Printed by the Mayor and City Council
of Baltimore

ORDINANCES

PASSED AT THE ANNUAL SESSION

1984-1985

No. 265

(Council No. 58)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE HOUSING FOR THE ELDERLY

FOR the purpose of granting permission for the establishment, maintenance and operation of housing for the elderly on the properties known as 2100-2102 Madison Avenue as outlined in red on the plats accompanying this ordinance.

By authority of

Article 30 - Zoning

Sections 4.9-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of housing for the elderly on the properties known as 2100-2102 Madison Avenue as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.9-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved January 23, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 266

(Council No. 164)

AN ORDINANCE concerning

ZONING - MICROWAVE ANTENNAS (SATELLITE DISHES)

FOR the purpose of requiring ~~satellite dishes which are larger than three~~ FOUR feet in diameter or which extend more than 6 feet from a building or which are free standing ~~AND MORE THAN 10 FEET IN HEIGHT~~ be authorized by the Board of Municipal and Zoning Appeals AUTHORIZATION BY THE BOARD OF MUNICIPAL AND ZONING APPEALS OF: (1) MOUNTED SOLID DISHES OVER 4 FEET IN DIAMETER OR PROJECTING OUT MORE THAN 6 FEET, (2) MOUNTED MESH DISHES OVER 6 FEET IN DIAMETER OR PROJECTING OUT MORE THAN 8 FEET, (3) DISHES MOUNTED ON THE FRONT HALF OF A ROOF, AND (4) FREE-STANDING DISHES OVER 6 FEET IN DIAMETER, MORE THAN 10 FEET HIGH OR CONSTRUCTED OF SOLID MATERIAL; in all Residence Districts, the O-R District and the B-1 and B-2 Districts ~~and, EXEMPTING THE SATELLITE DISHES OF TAVERNS;~~ ; PERMITTING 12-FOOT DIAMETER DISHES FOR CERTAIN USES WHICH OCCUPY A LOT OF NOT LESS THAN 7,500 SQUARE FEET AND FOR TAVERNS; adding standards for the Board to consider in the authorization of such uses AND PERMITTING SATELLITE DISHES IN ~~SIDE AND REAR~~ YARDS; AND GENERALLY RELATING TO SATELLITE DISHES.

BY repealling and reordaining with amendments

Article 30 - Zoning

Sections 4.1-1b-1, 4.1-1c-1, 5.1-1b-1, 5.1-1c-1, 6.1-1b-39, 6.1-1c-1, 7.1-1b-117, 7.2-1b-81

Baltimore City Code (1983 Replacement Volume, as amended)

BY adding

Article 30 - Zoning

Sections 2.0-8M-14A, 4.1-1b-1a, 4.1-1B-1B, 4.1-1B-1C, 4.1-1c-1b, 5.1-1b-1a, 5.1-1B-1B, 5.1-1B-1C, 5.1-1c-1a, 6.1-1b-39a, 6.1-1B-39B, 6.1-1B-39C, 6.1-1c-1a, 6.3-1b-72, 6.4-1b-23, 11.0-5a-14

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

Article 30 - ZONING

CHAPTER 2 - GENERAL PROVISIONS

2.0-8 BULK REGULATIONS.

M. PERMITTED PROJECTIONS AND OBSTRUCTIONS INTO REQUIRED YARDS.

~~14A. MICROWAVE ANTENNAS (SATELLITE DISHES):---S-R NOT LESS THAN 5 FEET FROM ANY LOT LINE AND NOT LESS THAN 10 FEET FROM THE NEAREST DOOR OR WINDOW OF A PRINCIPAL USE. R.~~

Chapter 4 – Residence Districts

4.1 R-1 Single Family Residence District.

1b. Accessory uses.

1. Accessory radio and television antennas, *but not including microwave-antennas (satellite dishes)*, when less than 12 feet above the building on which they are mounted.

~~1a. Accessory microwave antennas (satellite dishes) when 3-4 feet or less in diameter and projecting less than 6 feet from the building on which they are mounted. , IF MOUNTED, PROJECTING LESS THAN 6 FEET FROM THE BUILDING ON WHICH THEY ARE MOUNTED OR, IF FREE STANDING, LESS THAN 10 FEET IN HEIGHT.~~

~~1B. ACCESSORY MICROWAVE ANTENNAS (SATELLITE DISHES) WHEN 4 FEET OR MORE IN DIAMETER AND LOCATED ON THE PREMISES OF A TAVERN.~~

1A. ACCESSORY MOUNTED MICROWAVE ANTENNAS (SATELLITE DISHES) WHEN 4 FEET OR LESS IN DIAMETER IF CONSTRUCTED OF SOLID MATERIAL AND PROJECTING 6 FEET OR LESS FROM THE BUILDING ON WHICH THEY ARE MOUNTED OR 6 FEET OR LESS IN DIAMETER IF CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN AND PROJECTING 8 FEET OR LESS FROM THE BUILDING ON WHICH THEY ARE MOUNTED; AND PROVIDED THAT THE DISH IS ATTACHED TO THE REAR HALF OF THE ROOF OF THE PRINCIPAL BUILDING AT LEAST 5 FEET BEYOND THE CENTER LINE OF THE ROOF.

1B. ACCESSORY FREE STANDING MICROWAVE ANTENNAS (SATELLITE DISHES) MOUNTED ON A SINGLE STANCHION WHEN 6 FEET OR LESS IN DIAMETER AND LESS THAN 10 FEET IN HEIGHT AND CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN.

1C. ACCESSORY MICROWAVE ANTENNAS (SATELLITE DISHES) NOT EXCEEDING 12 FEET IN DIAMETER AND LOCATED ON THE PREMISES OF THE FOLLOWING NON-PROFIT OR PUBLICLY OWNED INSTITUTIONS: ELEMENTARY SCHOOLS, JUNIOR AND SENIOR HIGH SCHOOLS, JUNIOR COLLEGES, COLLEGES, UNIVERSITIES, LIBRARIES, ART GALLERIES, MUSEUMS, AQUARIUMS, PLANETARIUMS, CHURCHES, TEMPLES, SYNAGOGUES, CONVENTS, SEMINARIES, MONASTERIES, AND MEDICAL FACILITIES; OR WHEN LOCATED ON THE PREMISES OF A HOTEL, MOTEL, VFW POST, AMERICAN LEGION POST, HOUSING FOR THE ELDERLY OR NURSING HOME; PROVIDED THAT THE INSTITUTION OR USE IS LOCATED ON A

LOT OF NOT LESS THAN 7,500 SQUARE FEET; AND LOCATED ON THE PREMISES OF A TAVERN REGARDLESS OF LOT SIZE.

1c. Conditional uses.

1. Accessory radio and television antennas, *but not including microwave antennas (satellite dishes)*, when free standing or when they extend higher than 12 feet above the building on which they are mounted.

~~1b. Accessory microwave antennas (satellite dishes) when free standing AND MORE THAN 10 FEET IN HEIGHT or when over 3 4 feet in diameter or when they project more than 6 feet from the building on which they are mounted.~~

1B. ACCESSORY MICROWAVE ANTENNAS (SATELLITE DISHES)

(A) MOUNTED SATELLITE DISH CONSTRUCTED OF SOLID MATERIAL OVER 4 FEET IN DIAMETER, OR A DISH CONSTRUCTED OF SOLID MATERIAL PROJECTING MORE THAN 6 FEET FROM THE BUILDING.

(B) MOUNTED SATELLITE DISH CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN OVER 6 FEET IN DIAMETER, OR A DISH CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN PROJECTING MORE THAN 8 FEET FROM THE BUILDING.

(C) MOUNTED SATELLITE DISH ON THE FRONT HALF OF THE ROOF OF THE PRINCIPAL BUILDING, OR ON THE REAR HALF OF THE ROOF LESS THAN 5 FEET BEYOND THE CENTER LINE.

(D) FREE STANDING SATELLITE DISH MORE THAN 6 FEET IN DIAMETER, OR MORE THAN 10 FEET IN HEIGHT, OR NOT CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN.

Charter 5 – Office-Residence District

5.1 O-R Office-Residence District.

1b. Accessory uses.

1. Accessory radio and television antennas, *but not including microwave antennas (satellite dishes)*, when less than 12 feet above the building on which they are mounted.

~~1a. Accessory microwave antennas (satellite dishes) when 3 4 feet or less in diameter and projecting less than 6 feet from the building on which they are mounted. , IF MOUNTED, PROJECTING LESS THAN 6 FEET FROM THE BUILDING ON WHICH THEY ARE MOUNTED OR, IF FREE STANDING, LESS THAN 10 FEET IN HEIGHT.~~

~~1B. ACCESSORY MICROWAVE ANTENNAS (SATELLITE DISHES) WHEN 4 FEET OR MORE IN DIAMETER AND LOCATED ON THE PREMISES OF A TAVERN.~~

1A. ACCESSORY MOUNTED MICROWAVE ANTENNAS (SATELLITE DISHES) WHEN 4 FEET OR LESS IN DIAMETER IF CONSTRUCTED OF SOLID MATERIAL AND PROJECTING 6 FEET OR LESS

FROM THE BUILDING ON WHICH THEY ARE MOUNTED OR 6 FEET OR LESS IN DIAMETER IF CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN AND PROJECTING 8 FEET OR LESS FROM THE BUILDING ON WHICH THEY ARE MOUNTED; AND PROVIDED THAT THE DISH IS ATTACHED TO THE REAR HALF OF THE ROOF OF THE PRINCIPAL BUILDING AT LEAST 5 FEET BEYOND THE CENTER LINE OF THE ROOF.

1B. ACCESSORY FREE STANDING MICROWAVE ANTENNAS (SATELLITE DISHES) MOUNTED ON A SINGLE STANCHION WHEN 6 FEET OR LESS IN DIAMETER AND LESS THAN 10 FEET IN HEIGHT AND CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN.

1C. ACCESSORY MICROWAVE ANTENNAS (SATELLITE DISHES) NOT EXCEEDING 12 FEET IN DIAMETER AND LOCATED ON THE PREMISES OF THE FOLLOWING NON-PROFIT OR PUBLICLY OWNED INSTITUTIONS: ELEMENTARY SCHOOLS, JUNIOR AND SENIOR HIGH SCHOOLS, JUNIOR COLLEGES, COLLEGES, UNIVERSITIES, LIBRARIES, ART GALLERIES, MUSEUMS, AQUARIUMS, PLANETARIUMS, CHURCHES, TEMPLES, SYNAGOGUES, CONVENTS, SEMINARIES, MONASTERIES, AND MEDICAL FACILITIES; OR WHEN LOCATED ON THE PREMISES OF A HOTEL, MOTEL, VFW POST, AMERICAN LEGION POST, HOUSING FOR THE ELDERLY OR NURSING HOME; PROVIDED THAT THE INSTITUTION OR USE IS LOCATED ON A LOT OF NOT LESS THAN 7,500 SQUARE FEET; AND LOCATED ON THE PREMISES OF A TAVERN REGARDLESS OF LOT SIZE.

1c. Conditional uses.

1. Accessory radio and television antennas, *but not including microwave antennas (satellite dishes)*, when free standing or when they extend higher than 12 feet above the building on which they are mounted.

~~1a. Accessory microwave antennas (satellite dishes) when free standing AND MORE THAN 10 FEET IN HEIGHT or when over 8 1/2 feet in diameter or when they project more than 6 feet from the building on which they are mounted.~~

1A. ACCESSORY MICROWAVE ANTENNAS (SATELLITE DISHES)

(A) MOUNTED SATELLITE DISH CONSTRUCTED OF SOLID MATERIAL OVER 4 FEET IN DIAMETER, OR A DISH CONSTRUCTED OF SOLID MATERIAL PROJECTING MORE THAN 6 FEET FROM THE BUILDING.

(B) MOUNTED SATELLITE DISH CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN OVER 6 FEET IN DIAMETER, OR A DISH CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN PROJECTING MORE THAN 8 FEET FROM THE BUILDING.

(C) MOUNTED SATELLITE DISH ON THE FRONT HALF OF THE ROOF OF THE PRINCIPAL BUILDING, OR ON THE REAR HALF OF THE ROOF LESS THAN 5 FEET BEYOND THE CENTER LINE.

(D) FREE STANDING SATELLITE DISH MORE THAN 6 FEET IN DIAMETER, OR MORE THAN 10 FEET IN HEIGHT, OR NOT CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN.

Chapter 6 - Business Districts

6.1 B-1 Neighborhood Business District

1b. Permitted uses.

39. Accessory or non-accessory radio and television antennas, *but not including microwave antennas (satellite dishes)*, and towers when less than 25 feet above the building on which they are mounted.

~~39a. Accessory microwave antennas (satellite dishes) when 3-4 feet or less in diameter and projecting less than 6 feet from the building on which they are mounted. , IF MOUNTED, PROJECTING LESS THAN 6 FEET FROM THE BUILDING ON WHICH THEY ARE MOUNTED OR, IF FREE STANDING, LESS THAN 10 FEET IN HEIGHT.~~

~~39B. ACCESSORY MICROWAVE ANTENNAS (SATELLITE DISHES) WHEN 4 FEET OR MORE IN DIAMETER AND LOCATED ON THE PREMISES OF A TAVERN.~~

39A. ACCESSORY MOUNTED MICROWAVE ANTENNAS (SATELLITE DISHES) WHEN 4 FEET OR LESS IN DIAMETER IF CONSTRUCTED OF SOLID MATERIAL AND PROJECTING 6 FEET OR LESS FROM THE BUILDING ON WHICH THEY ARE MOUNTED OR 6 FEET OR LESS IN DIAMETER IF CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN AND PROJECTING 8 FEET OR LESS FROM THE BUILDING ON WHICH THEY ARE MOUNTED; AND PROVIDED THAT THE DISH IS ATTACHED TO THE REAR HALF OF THE ROOF OF THE PRINCIPAL BUILDING AT LEAST 5 FEET BEYOND THE CENTER LINE OF THE ROOF.

39B. ACCESSORY FREE STANDING MICROWAVE ANTENNAS (SATELLITE DISHES) MOUNTED ON A SINGLE STANCHION WHEN 6 FEET OR LESS IN DIAMETER AND LESS THAN 10 FEET IN HEIGHT AND CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN.

39C. ACCESSORY MICROWAVE ANTENNAS (SATELLITE DISHES) NOT EXCEEDING 12 FEET IN DIAMETER AND LOCATED ON THE PREMISES OF THE FOLLOWING NON-PROFIT OR PUBLICLY OWNED INSTITUTIONS: ELEMENTARY SCHOOLS, JUNIOR AND SENIOR HIGH SCHOOLS, JUNIOR COLLEGES, COLLEGES, UNIVERSITIES, LIBRARIES, ART GALLERIES, MUSEUMS, AQUARIUMS, PLANETARIUMS, CHURCHES, TEMPLES, SYNAGOGUES, CONVENTS, SEMINARIES, MONASTERIES, AND MEDICAL FACILITIES; OR WHEN LOCATED ON THE PREMISES OF A HOTEL, MOTEL, VFW POST, AMERICAN LEGION POST, HOUSING FOR THE ELDERLY OR NURSING HOME; PROVIDED THAT THE INSTITUTION OR USE IS LOCATED ON A

LOT OF NOT LESS THAN 7,500 SQUARE FEET; AND LOCATED ON THE PREMISES OF A TAVERN REGARDLESS OF LOT SIZE.

1c. Conditional uses.

1. Accessory or non-accessory radio and television antennas, *but not including microwave antennas (satellite dishes)*, and towers when free standing or when they extend higher than 25 feet above the building on which they are mounted.

~~1a. Accessory microwave antennas (satellite dishes) when free standing AND MORE THAN 10 FEET IN HEIGHT or when over 8 4 feet in diameter or when they project more than 6 feet from the building on which they are mounted.~~

1A. ACCESSORY MICROWAVE ANTENNAS (SATELLITE DISHES)

(A) MOUNTED SATELLITE DISH CONSTRUCTED OF SOLID MATERIAL OVER 4 FEET IN DIAMETER, OR A DISH CONSTRUCTED OF SOLID MATERIAL PROJECTING MORE THAN 6 FEET FROM THE BUILDING.

(B) MOUNTED SATELLITE DISH CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN OVER 6 FEET IN DIAMETER, OR A DISH CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN PROJECTING MORE THAN 8 FEET FROM THE BUILDING.

(C) MOUNTED SATELLITE DISH ON THE FRONT HALF OF THE ROOF OF THE PRINCIPAL BUILDING, OR ON THE REAR HALF OF THE ROOF LESS THAN 5 FEET BEYOND THE CENTER LINE.

(D) FREE STANDING SATELLITE DISH MORE THAN 6 FEET IN DIAMETER, OR MORE THAN 10 FEET IN HEIGHT, OR NOT CONSTRUCTED OF EXPANDED ALUMINUM MESH OR WIRE SCREEN.

6.3 B-3 Community Commercial District

1b. Permitted uses.

~~12. Accessory or non-accessory microwave antennas (satellite dishes).~~

6.4 B-4 Central Business district

1b. Permitted uses.

~~23. Accessory or non-accessory microwave antennas (satellite dishes).~~

Chapter 7 – Industrial Districts

7.1 M-1 Industrial Districts

1b. Permitted uses.

117. Accessory or non-accessory radio and television antennas, *including microwave antennas (satellite dishes)*, and towers when less than 25 feet above the building on which they are mounted.

7.2 M-2 Industrial District.

1b. Permitted uses.

81. Accessory or non-accessory radio and television antennas, *including microwave antennas (satellite dishes)*, and towers when free standing or when they extend higher than 25 feet above the building or which they are mounted.

Chapter 11 – Administration and Enforcement

11.0-5 Standards.

a. Standards for conditional uses.

14. In the case of the placement or erection of microwave antennas (satellite dishes), the Board MAY CONSIDER THE QUALITY OF SIGNAL RECEPTION BUT must find that the antenna will not interfere with the rights of the adjacent and neighboring properties to light, air and sun. In addition, the Board may specify the placement of the antenna and require screening.

SEC. 2. AND BE IT FURTHER ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE ARE HEREBY DECLARED TO BE SEVERABLE. IF ANY WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART IN OR OF THIS ORDINANCE, OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE, IS DECLARED INVALID, THE REMAINING PROVISIONS AND THE APPLICATION OF SUCH PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES SHALL NOT BE AFFECTED THEREBY BUT SHALL REMAIN IN FULL FORCE AND EFFECT, THE MAYOR AND CITY COUNCIL HEREBY DECLARING THAT THEY WOULD HAVE ORDAINED THE REMAINING PROVISIONS OF THIS ORDINANCE WITHOUT THE WORD, PHRASE, CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART, OR THE APPLICATION THEREOF, SO HELD INVALID.

SEC. 23. *And be it further ordained,* That this ordinance shall take effect ~~thirty days from the date of its passage~~ ON THE DATE OF ITS ENACTMENT.

Approved January 23, 1985

WILLIAM DONALD SCHAEFER, Mayor.

ORDINANCES

9

No. 267

(Council No. 459)

AN ORDINANCE concerning

STREET ENCROACHMENT—3658 MALDEN AVENUE

FOR the purpose of authorizing the construction and maintenance of 2 steps projecting 26" and 18¼" into the public right of way on the south side of 3658 Malden Avenue.

BY authority

Article 32—Baltimore City Building Code

Section 310.2

Baltimore City Code (1982 Supplement to the Building Code of Baltimore City)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That the construction and maintenance of 2 sets of steps is hereby authorized on the south side of the property known generally as 3658 Malden Avenue. One set of steps shall project 26 inches into the public right of way and shall be 9 feet 6½ inches long. The other set of steps shall project 18¼ inches into the public right of way and shall be 9 feet 3 inches long. Both sets of steps shall be constructed of brick. Except as in this ordinance specifically provided, all ordinances and all rules of the Mayor and City Council of Baltimore shall be complied with in the construction and use of these steps.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved January 23, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 268

(Council No. 469)

AN ORDINANCE concerning

URBAN RENEWAL—WASHINGTON HILL-CHAPEL—
AMENDMENT 8 TO THE URBAN RENEWAL PLAN

FOR the purpose of amending the Urban Renewal Plan for Washington Hill-Chapel to, among other things, EXPAND THE PROJECT BOUNDARIES TO INCLUDE THE BLOCKS BOUNDED BY FAIRMOUNT AVENUE, DUNCAN, LAMLEY, CHESTER, FAYETTE, AND WASHINGTON STREETS; authorize the acquisition, by purchase or by condemnation, of certain properties; modify and/or create certain development parcels and standards and controls; expand the uses permitted under Community Commercial;

change the land use of certain properties; revise certain sections referring to the Housing Code and the Zoning Ordinance; eliminate references to specific non-conforming properties; add a provision regarding sandblasting of masonry facades; revise provisions relating to Signs; authorize the Commissioner of the Department of Housing and Community Development to waive certain non-residential rehabilitation standards; provide penalties for violating the revised rehabilitation standards; revise or eliminate certain Exhibits; waive such requirements, if any, as to content or procedure for the preparation, adoption and approval of Renewal Plans as set forth in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended) which the amended Urban Renewal Plan for Washington Hill-Chapel may not meet; provide for the separability of the various parts and applications of this Ordinance; provide that where the provisions of this Ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for Washington Hill-Chapel was first approved by the Mayor and City Council of Baltimore by Ordinance No. 40, dated April 26, 1972 and amended by Ordinance No. 314, dated May 3, 1973, Ordinance No. 736, dated October 17, 1974, Ordinance No. 848, dated April 7, 1975, Ordinance No. 114, dated June 30, 1976, Ordinance No. 287, dated February 28, 1977, Ordinance No. 354, dated June 27, 1977 and Ordinance No. 818, dated July 10, 1978; and

WHEREAS, it is necessary to amend the Urban Renewal Plan for Washington Hill-Chapel to allow implementation of ~~two~~ THREE major proposed developments in the area—CONSTRUCTION OF 5 IN-FILL HOUSES ON A BLIGHTING PROPERTY IN THE 2100 BLOCK OF E. FAIRMOUNT AVENUE, rehabilitation of 10 deteriorated structures for residential and artist studio related uses in the 1400 block of E. Baltimore Street and commercial development in the unit block of S. Eden Street as well as to include other changes in order to reflect actual development in the Washington Hill-Chapel area which has occurred since the last amendment in 1978 and to include various items to update and standardize certain provisions in all Urban Renewal Plans; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any Renewal Plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a Renewal Plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in said Urban Renewal Plan make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Washington Hill-Chapel, revised to include Amendment No. 8, dated September 12, 1984 AND FURTHER REVISED DECEMBER 17, 1984; and

WHEREAS, said amended Urban Renewal Plan for Washington Hill-Chapel has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and its conformity to existing zoning classifications; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for Washington Hill-Chapel, identified as "Urban Renewal Plan Washington Hill-Chapel . . . revised to include Amendment No. 8, dated September 12, 1984 AND FURTHER REVISED DECEMBER 17, 1984" is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and make the same available for public inspection and information.

SEC. 2. *AND BE IT FURTHER ORDAINED*, THAT THE BOUNDARIES OF THE WASHINGTON HILL-CHAPEL URBAN RENEWAL AREA SHALL BE REVISED TO INCLUDE THE BLOCKS BOUNDED BY FAIRMOUNT AVENUE, DUNCAN, LAMLEY, CHESTER, FAYETTE, AND WASHINGTON STREETS; THEREFORE, SECTION 2 OF ORDINANCE 818, DATED JULY 10, 1978, IS HEREBY AMENDED TO READ AS FOLLOWS:

BEGINNING FOR THE SAME AT THE INTERSECTION OF THE SOUTH SIDE OF GOUGH STREET AND THE WEST SIDE OF CENTRAL AVENUE; THENCE BINDING ON THE WEST SIDE OF CENTRAL AVENUE NORTHERLY TO INTERSECT AN EXTENDED LINE FORMED BY THE NORTHERN PROPERTY LINE OF BUREAU OF SURVEYS BLOCK 1322/26/27, LOT NO. 1; THENCE RUNNING ON SAID EXTENDED LINE IN A NORTHEASTERLY DIRECTION TO INTERSECT THE EASTERN PROPERTY LINE OF SAID LOT NO. 1; THENCE BINDING ON THE EASTERN PROPERTY LINE OF LOT NO. 1 IN A SOUTHERLY DIRECTION TO INTERSECT THE NORTH SIDE OF EAST FAYETTE STREET; THENCE BINDING ON THE NORTH SIDE OF EAST FAYETTE STREET NORTHEASTERLY TO INTERSECT THE WESTERN PROPERTY LINE OF BUREAU OF SURVEYS BLOCK NO 1322/26/27, LOT NO. 3; THENCE BINDING IN A NORTHERLY DIRECTION ON THE WESTERN PROPERTY LINE OF LOT NO. 3 TO INTERSECT THE NORTHERN PROPERTY LINE OF LOT NO. 3; THENCE BINDING ON THE NORTHERN PROPERTY LINE OF LOT NO. 3. AND LOT NO. 4 OF SAID BLOCK, NORTHEASTERLY TO INTERSECT THE WESTERN PROPERTY LINE OF LOT NO. 5 ON SAID BLOCK; THENCE BINDING ON THE WESTERN PROPERTY LINE OF LOT NO. 5 NORTHERLY TO INTERSECT THE NORTHERN PROPERTY LINE OF LOT NO. 5; THENCE BINDING ON THE NORTHERN PROPERTY LINE OF LOT NO. 5 IN A GENERAL EASTERLY DIRECTION, TO INTERSECT THE WEST SIDE OF NORTH CAROLINE STREET; THENCE BINDING ON

THE WEST SIDE OF NORTH CAROLINE STREET NORTHERLY TO AN EXTENDED LINE FORMED BY THE SOUTHERN PROPERTY LINE OF BUREAU OF SURVEYS BLOCK 1319; THENCE BINDING ON SAID EXTENDED LINE SOUTHEASTERLY TO INTERSECT THE NORTH SIDE OF EAST FAYETTE STREET; THENCE BINDING ON THE NORTH SIDE OF EAST FAYETTE STREET NORTHEASTERLY TO INTERSECT THE WESTERN PROPERTY LINE OF BUREAU OF SURVEYS BLOCK NO. 1318, LOT NO. 1/7; THENCE BINDING IN A NORTHERLY DIRECTION TO INTERSECT THE SOUTH SIDE OF MULLIKIN STREET; THENCE BINDING ON THE SOUTH SIDE OF MULLIKIN STREET WESTERLY TO INTERSECT THE WEST SIDE OF IRON ALLEY; THENCE BINDING NORTHERLY ON THE WEST SIDE OF IRON ALLEY TO INTERSECT THE SOUTH SIDE OF ORLEANS STREET; THENCE BINDING ON THE SOUTH SIDE OF ORLEANS STREET EASTERLY TO INTERSECT THE EAST SIDE OF BROADWAY; THENCE BINDING ON THE EAST SIDE OF BROADWAY SOUTHERLY TO INTERSECT THE NORTH SIDE OF EAST FAYETTE STREET; THENCE BINDING ON THE NORTH SIDE OF EAST FAYETTE STREET EASTERLY TO INTERSECT THE WEST SIDE OF NORTH WOLFE STREET; THENCE BINDING ON THE WEST SIDE OF NORTH WOLFE STREET NORTHERLY TO INTERSECT THE CENTERLINE OF ORLEANS STREET; THENCE BINDING ON THE CENTERLINE OF ORLEANS STREET EASTERLY TO INTERSECT THE CENTERLINE OF NORTH WOLFE STREET; THENCE BINDING ON THE CENTERLINE OF NORTH WOLFE STREET NORTHERLY TO INTERSECT THE NORTH SIDE OF ORLEANS STREET; THENCE BINDING ON THE NORTH SIDE OF ORLEANS STREET EASTERLY TO INTERSECT THE EAST SIDE OF NORTH CASTLE STREET; THENCE BINDING ON THE EAST SIDE OF NORTH CASTLE STREET SOUTHERLY TO INTERSECT THE NORTHERN PROPERTY LINE OF BUREAU OF SURVEYS BLOCK 1686, LOT 57; THENCE BINDING ON SAID NORTHERN PROPERTY LINE EASTERLY TO INTERSECT THE WEST SIDE OF A 10' ALLEY; THENCE BINDING ON THE WEST SIDE OF SAID 10' ALLEY SOUTHERLY TO THE NORTHERN PROPERTY LINE OF BUREAU OF SURVEYS BLOCK 1685, LOT 43; THENCE BINDING ON SAID NORTHERN PROPERTY LINE WESTERLY TO INTERSECT THE EAST SIDE OF NORTH CASTLE STREET; THENCE BINDING ON THE EAST SIDE OF NORTH CASTLE STREET SOUTHERLY TO INTERSECT THE NORTH SIDE OF EAST FAYETTE STREET; THENCE BINDING ON THE NORTH SIDE OF EAST FAYETTE STREET [WESTERLY] EASTERLY TO INTERSECT THE CENTER LINE OF NORTH CHESTER STREET; THENCE BINDING ON THE CENTER LINE OF NORTH CHESTER STREET SOUTHERLY TO INTERSECT A LINE EXTENDING THE SOUTH SIDE OF LAMLEY STREET; THENCE BINDING ON SAID LINE AND ON THE SOUTH SIDE OF LAMLEY STREET EASTERLY TO INTERSECT THE WEST SIDE OF DUNCAN STREET; THENCE BINDING ON THE WEST SIDE OF DUNCAN STREET SOUTHERLY TO INTERSECT THE NORTH SIDE OF FAIRMOUNT AVENUE; THENCE BINDING ON THE NORTH SIDE OF FAIRMOUNT AVENUE WESTERLY TO INTERSECT THE EAST SIDE

OF NORTH WASHINGTON STREET; THENCE BINDING ON THE EAST SIDE OF NORTH WASHINGTON STREET SOUTHERLY TO INTERSECT THE SOUTH SIDE OF EAST LOMBARD STREET; THENCE BINDING ON THE SOUTH SIDE OF EAST LOMBARD STREET WESTERLY TO INTERSECT THE EAST SIDE OF BROADWAY; THENCE BINDING ON THE EAST SIDE OF BROADWAY SOUTHERLY TO INTERSECT THE SOUTH SIDE OF PRATT STREET; THENCE BINDING WESTERLY ON THE SOUTH SIDE OF PRATT STREET TO INTERSECT THE WEST SIDE OF BETHEL STREET; THENCE BINDING ON THE WEST SIDE OF BETHEL STREET NORTHERLY TO INTERSECT THE SOUTH SIDE OF LOMBARD STREET; THENCE BINDING ON THE SOUTH SIDE OF LOMBARD STREET WESTERLY TO INTERSECT THE WEST SIDE OF SPRING STREET; THENCE BINDING ON THE WEST SIDE OF SPRING STREET SOUTHERLY TO INTERSECT THE SOUTH SIDE OF PRATT STREET; THENCE BINDING WESTERLY ON THE SOUTH SIDE OF PRATT STREET TO INTERSECT THE EAST SIDE OF EDEN STREET; THENCE BINDING ON THE EAST SIDE OF SAID EDEN STREET SOUTHERLY TO INTERSECT THE SOUTH SIDE OF GOUGH STREET; THENCE BINDING ON THE SOUTH SIDE OF GOUGH STREET WESTERLY TO THE POINT OF BEGINNING.

SEC. 23. *And be it further ordained*, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof, together with all right, title, interest and estate that the owner or owners of said property interest may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

1426-28 E. Baltimore Street
1430 E. Baltimore Street
1432 E. Baltimore Street
1434 E. Baltimore Street
1436 E. Baltimore Street
1438 E. Baltimore Street
1440 E. Baltimore Street
1442 E. Baltimore Street
1444 E. Baltimore Street
1446 E. Baltimore Street

8 S. Eden Street
10-36 S. Eden Street
38 S. Eden Street
40 S. Eden Street

5 N. Spring Street
7 N. Spring Street
9 N. Spring Street
11 N. Spring Street

1421 Ten Pin Alley

SEC. 24. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such

manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5 of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this Ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Division, person or persons is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 4 5. *And be it further ordained*, That the boundaries, land uses, and disposition of certain development parcels shall be modified and certain new development parcels for Residential and Community Commercial use shall be created, all as shown in said amended Urban Renewal Plan in the Appendix entitled "Properties for Acquisition and Disposition for Rehabilitation" and on Exhibit 3, Land Disposition, dated as revised September 12, 1984 AND FURTHER REVISED DECEMBER 17, 1984.

SEC. 5 6. *And be it further ordained*, That the revisions to and the newly created standards and controls on landscaping, signs, permitted uses for development parcels, as contained in said amended Urban Renewal Plan under Section B.2.a "Provisions Applicable to Land to be Acquired" are hereby approved.

SEC. 6 7. *And be it further ordained*, That the Community Commercial land use category shall be expanded to include the following additional permitted uses as contained in Section B.1.d of said amended Urban Renewal Plan:

artist's studios, artisan's and craftwork, restaurants including live entertainment and dancing, art supply stores, music schools, art galleries, art studios, sculpture gardens, music studios, dance studios, and warehousing and wholesaling establishments.

SEC. 7 8. *And be it further ordained*, That the land use changes from Residential to Community Commercial for properties in the block bounded by Ten Pin Alley, N. Caroline, E. Baltimore, and N. Spring Streets and the block bounded by S. Central Avenue, E. Lombard, S. Eden, and E. Baltimore Streets - as shown in said amended Urban Renewal Plan on Exhibit 1 - General Land Use Plan, dated as revised September 12, 1984 AND FURTHER REVISED DECEMBER 17, 1984, are hereby approved.

SEC. 8 9. *And be it further ordained*, That the revisions to the following sections of said Urban Renewal Plan in order to clarify references to, terminology in, and procedural requirements of the Housing Code of Baltimore City and/or the Zoning Ordinance of Baltimore City [Articles 13 and 30, respectively of the Baltimore City Code (1983 Replacement Volume, as amended)] are hereby approved.

Section B.1.g. entitled "Non-Conforming"
Section B.1.h entitled "Non-Complying"
Section C.6. entitled "Zoning"

Section 1.r. of the Residential Rehabilitation Standards in Appendix A entitled "Property Rehabilitation Standards"

SEC. 9 10. *And be it further ordained*, That the listing of specific Non-Conforming properties (Appendix B) and their designation on the Zoning Districts Exhibit in said Urban Renewal Plan shall be eliminated.

SEC. 10 11. *And be it further ordained*, That the following provision on sandblasting of masonry facades shall be applied to all properties in Washington Hill-Chapel and shall be incorporated into said amended Urban Renewal Plan in Appendix A entitled "Property Rehabilitation Standards";

"Over and above the codes and ordinances of the City of Baltimore, cleaning of masonry facades by means of sandblasting shall not be permitted, except where sandblasting is determined by the Commissioner of the Department of Housing and Community Development to be the only feasible means of surface cleaning of masonry and where, in the Commissioner's opinion, it will not cause damage to historic building materials."

SEC. 11 12. *And be it further ordained*, That the provisions relating to signs set forth in the section on Non-Residential Rehabilitation Standards of Appendix A: Property Rehabilitation Standards shall be revised. Therefore, lines 30 through 40 on page 9 and line 13, page 11 through line 52, page 12 of Section 4 of Ordinance 354, dated June 27, 1977 are hereby amended to read as follows:

lines 30 through 40 – page 9

"[(5) Show windows shall not be painted for advertising purposes nor as identification of the place of business except as permitted under "Secondary Signs."

[(6) Likewise, no] (5) No temporary or permanent sign affixed [of] or placed against the inside surface of a show window shall exceed 20% of the area of that show window.

[(7)] (6) Decalcomanias one square foot or less in area may be affixed to show windows or entrance doors. [when same are supplied by national and local credit cards companies and carry no text or message other than the identification of such companies.]"

line 13 – page 11 through line 52 – page 12

"q. Signs

(1) [No signs other than those identifying the property where they are installed or identifying the use conducted therein shall be permitted. Advertising by material or product manufacturers and suppliers shall not be permitted except as primary identification of an establishment.]

All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from view as much as possible.

(2) Flat Signs

Flat signs shall be placed parallel to the building face and shall not project more than 12" from the surface of the building. Signs on the front and side facades shall not exceed in area three feet times the width in feet of the frontage of the building, and shall be placed no higher than the bottom of the second story window where windows exist or 13 feet above grade level, whichever is lower. In the case of corner properties, each facade is to be calculated separately as to size allowed for each.

Lettering applied to ground floor show windows or entrance doors shall be permitted providing that characters do not exceed two and one-half inches in height[, and the text is limited to identification of business.] Signs [identifying the occupant] shall be permitted at delivery entrance doors but shall not exceed six square feet in size.

(3) Projecting Signs

Projecting signs shall not extend more than seven feet beyond the building surface.

(4) Painted Signs and Cut-Out Letters

Painted signs on building surfaces or use of separate cut-out letters shall be permitted in accordance with the above limits for flat signs.

(5) Secondary Signs

Non-illuminated secondary signs shall [be permitted for the identification of commercial tenants occupying the upper floors of a building. Such signs shall] not exceed one square foot in area and shall not project more than one inch beyond the surface of the building, nor shall they be placed higher than 13 feet above grade level."

SEC. ~~42~~ 13. *And be it further ordained*, That the following provision regarding waiver of rehabilitation standards for non-residential properties shall be incorporated into said amended Urban Renewal Plan in Appendix A "Property Rehabilitation Standards" in Section 3.r.:

"The Commissioner of the Department of Housing and Community Development may waive compliance with one or more of these standards provided that the proposed improvements do not adversely affect the objectives contained in this Plan."

SEC. ~~43~~ 14. *And be it further ordained*, That any person guilty of violating the provisions contained in Sections ~~10 and 11~~ 11 AND 12 of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. ~~44~~ 15. *And be it further ordained*, That Exhibit 4 - Property Rehabilitation shall be eliminated from said amended Urban Renewal Plan and the following revised exhibits, dated as revised September 12, 1984 AND FURTHER REVISED DECEMBER 17, 1984, are hereby approved;

Exhibit 1 - General Land Use Plan

Exhibit 2—Property Acquisition

Exhibit 3—Land Disposition

Exhibit 4—Zoning Districts

SEC. 15 16. *And be it further ordained*, That in whatever respect, if any, said amended Urban Renewal Plan for Washington Hill-Chapel approved hereby may not meet the requirements as to the content of a Renewal Plan or the procedures for the preparation, adoption, and approval of Renewal Plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 16 17. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance or the application thereof to any person or circumstance is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part or the application thereof so held invalid.

SEC. 17 18. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 18 19. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved January 23, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 269

(Council No. 487)

AN ORDINANCE concerning

CITY PROPERTY - SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to that certain parcel of land and improvements no longer needed for public purpose, known as a portion of 1400 N. Caroline Street, Baltimore, Maryland, Block 1136, Lot 1.

BY authority of

Article V - Comptroller

Section 5 (b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V (Section 5 (b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore, Maryland, and described as follows:

Beginning for the same at the point formed by the intersection of the east side of Eden Street, as now laid out 70 feet wide and the south side of Oliver Street, as now laid out 66 feet wide, and running thence binding on the south side of said Oliver Street, North 87 degrees-8 feet-10 inches East 143.33 feet to the division line between the parcel of land being herein described known as Lot 2 and the parcel of land adjoining on the east thereof known as Lot 1 all as shown on a plat entitled "Final Subdivision of a Parcel of Land Known as No. 1400 N. Caroline Street", recorded or intended to be recorded among the Land Records of Baltimore City immediately prior hereto; thence binding on the division lines between said Lot 2 and said Lot 1 as shown on said plat, the two following courses and distances; namely, South 02 degrees-30 feet-30 inches East 75.99 feet and South 87 degrees-12 feet-20 inches West 143.00 feet to intersect the east side of said Eden Street, and thence binding on the east side of said Eden Street, North 02 degrees-45 feet-20 inches West 75.82 feet to the place of beginning.

Containing 10,867.54 square feet or 0.2495 acre of land, more or less.

Together with the privilege in and to the use of a perpetual easement for ingress, egress and parking through said Lot 1 as shown on the herein above mentioned plat.

All courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this Ordinance will take effect from the date of its passage.

Approved January 23, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 270

(Council No. 437)

AN ORDINANCE concerning

CITY STREET—OPENING OF CHESTER STREET

FOR the purpose of condemning and opening Chester Street, 45 feet wide, extending from Aliceanna Street, Southerly to the end thereof in accordance with a plat thereof numbered 344-A-21, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-second (22nd) day of August, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open Chester Street, 45 feet wide, extending from Aliceanna Street, Southerly to the end thereof the street hereby directed to be condemned for said opening being described as follows:

Beginning for the same at the point formed by the intersection of the south side of Aliceanna Street, as now laid out 70 feet wide, and the west side of Chester Street, 45 feet wide, and running thence binding on the south side of said Aliceanna Street, Easterly 45 feet, more or less, to the east side of said Chester Street; thence binding on the east side of said Chester Street, Southerly 168 feet, more or less, to the end thereof; thence binding on the southernmost extremity of said Chester Street, Westerly 45 feet, more or less, to the west side of said Chester Street, and thence binding on the west side of said Chester Street, Northerly 164 feet, more or less, to the place of beginning.

the said Chester Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 344-A-21 which was filed in the Office of the Department of Public Works on the Twenty-second (22nd) day of August in the year 1984 and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said Chester Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 271

(Council No. 438)

AN ORDINANCE concerning

CITY STREET—CLOSING OF CHESTER STREET

FOR the purpose of condemning and closing Chester Street, 45 feet wide, extending from Aliceanna Street, Southerly to the end thereof in accordance with a plat thereof numbered 344-A-21A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-second (22nd) day of August, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close Chester Street, 45 feet wide, extending from Aliceanna Street, Southerly to the end thereof the street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the south side of Aliceanna Street, as now laid out 70 feet wide, and the west side of Chester Street, 45 feet wide, and running thence binding on the south side of

said Aliceanna Street, Easterly 45 feet, more or less, to the east side of said Chester Street; thence binding on the east side of said Chester Street, Southerly 168 feet, more or less, to the end thereof; thence binding on the southernmost extremity of said Chester Street, Westerly 45 feet, more or less, to the west side of said Chester Street, and thence binding on the west side of said Chester Street, Northerly 164 feet, more or less, to the place of beginning.

the said Chester Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 344-A-21A which was filed in the Office of the Department of Public Works on the Twenty-second (22nd) day of August in the year 1984 and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration and interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, reloca-

tion and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said Chester Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 272

(Council No. 460)

AN ORDINANCE concerning

REZONING - 127 E. NORTH AVENUE

FOR the purpose of changing the zoning for the property known as 127 E. North Avenue from the B-2-3 Zoning District to the B-3-3 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 46

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*. That Sheet No. 46 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the B-2-3 Zoning District to the B-3-3 Zoning District the property known as 127 E. North Avenue, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and

in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 273

(Council No. 461)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE DRIVE-IN RESTAURANT
WITH A DRIVE THROUGH WINDOW - 127 E. NORTH AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 127 E. North Avenue, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 6.3-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 127 E. North Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 274

(Council No. 471)

AN ORDINANCE concerning

CITY STREET-OPENING CERTAIN STREETS AND ALLEYS OR
PORTIONS THEREOF LYING WITHIN THE INNER HARBOR EAST
URBAN RENEWAL PROJECT

FOR the purpose of condemning and opening East Falls Avenue, Stiles Street, Fawn Street and two 10 foot alleys in accordance with a plat thereof numbered 305-C-1, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Sixth (6th) day of September, 1984.

BY authority of

Article I-General Provisions

Section-4

Article II-General Provisions

Sections-2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open certain streets and alleys or portions thereof lying within the Inner Harbor East Urban Renewal Project the streets and alleys hereby directed to be condemned for said opening being described as follows:

1-East Falls Avenue, 40 feet wide, extending from Pratt Street, varying in width, Southerly to Eastern Avenue, 70 feet wide, and designated as Parcel No. 1.

2-Stiles Street, 49.5 feet wide, extending from President Street, 60 feet wide, Southwesterly to East Falls Avenue, 40 feet wide, and designated as Parcel No. 2.

3-Fawn Street, 49.5 feet wide, extending from President Street, 60 feet wide, Southwesterly to East Falls Avenue, 40 feet wide, and designated as Parcel No. 3.

4-An Alley, 10 feet wide, distant 100 feet southwesterly measured along the northwest side of Stiles Street, 49.5 feet wide, from the southwest side of President Street, 60 feet wide, and extending from said Stiles Street, Northwesterly and Northerly to Pratt Street, varying in width, and designated as Parcel No. 4.

5 - An Alley, 10 feet wide, laid out 100 feet southwest of President Street, 60 feet wide, and extending from Fawn Street, 49.5 feet wide, Northwesterly 150 feet, more or less, to the end thereof, and designated as Parcel No. 5.

the said streets and alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 305-C-1 which was filed in the Office of the Department of Public Works on the Sixth (6th) day of September, in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said streets and alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 275

(Council No. 472)

AN ORDINANCE concerning

CITY STREET - CLOSING CERTAIN STREETS AND ALLEYS OR
PORTIONS THEREOF LYING WITHIN THE INNER HARBOR EAST
URBAN RENEWAL PROJECT

FOR the purpose of condemning and closing East Falls Avenue, Stiles Street, Fawn Street and two 10 foot alleys in accordance with a plat thereof numbered 305-C-1A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Sixth (6th) day of September, 1984.

BY authority of

Article I - General Provisions

Section - 4

Article II - General Provisions

Sections - 2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close certain streets and alleys or portions thereof lying within the Inner Harbor East Urban Renewal Project the streets and alleys hereby directed to be condemned for said closing being described as follows:

1—East Falls Avenue, 40 feet wide, extending from Pratt Street, varying in width, Southerly to Eastern Avenue, 70 feet wide, and designated as Parcel No. 1.

2—Stiles Street, 49.5 feet wide, extending from President Street, 60 feet wide, Southwesterly to East Falls Avenue, 40 feet wide, and designated as Parcel No. 2.

3—Fawn Street, 49.5 feet wide, extending from President Street, 60 feet wide, Southwesterly to East Falls Avenue, 40 feet wide, and designated as Parcel No. 3.

4—An Alley, 10 feet wide, distant 100 feet southwesterly measured along the northwest side of Stiles Street, 49.5 feet wide, from the southwest side of President Street, 60 feet wide, and extending from said Stiles Street, Northwesterly and Northerly to Pratt Street, varying in width, and designated as Parcel No. 4.

5—An Alley, 10 feet wide, laid out 100 feet southwest of President Street, 60 feet wide, and extending from Fawn Street, 49.5 feet wide, Northwesterly 150 feet, more or less, to the end thereof, and designated as Parcel No. 5.

the said streets and alleys as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 305-C-1A which was filed in the Office of the Department of Public Works on the Sixth (6th) day of September, in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration, or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, that after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and closing of said streets and alleys and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 276

(Council No. 496)

AN ORDINANCE concerning

CITY STREET—CLOSING A PORTION OF INTERSTATE ROUTE NO. 95

FOR the purpose of condemning and closing a portion of Interstate Route No. 95, extending from Clarinda Avenue, Southeasterly 165 feet, more or less, in accordance with a plat thereof numbered 345-A-3, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Fourth (4th) day of October, 1984.

BY authority of
Article I—General Provisions
Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close a portion of Interstate Route No. 95, extending from Clarinda Avenue, Southeasterly 165 feet, more or less, the portion of Interstate Route No. 95 hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the southeast side of Clarinda Avenue, as now laid out 50 feet wide, and the former right of way line of through highway for Interstate Route No. 95, and running thence binding on said former right of way line of through highway, the three following courses and distances; namely, South $08^{\circ}-37'-35''$ East 6.08 feet, South $18^{\circ}-22'-34''$ East 121.92 feet and South $14^{\circ}-02'-38''$ East 37.19 feet to intersect the northwest outline of Lot 440, as shown on the Plat of Caton Heights and recorded among the Land Records of Baltimore City COUNTY in Plat Book J.W.S. No. 2, Folio 373; thence binding on the northwest outline of said Lot 440, South $71^{\circ}-45'-40''$ West 32.53 feet to intersect the realigned right of way line of through highway for Interstate Route No. 95, and thence binding on said realigned right of way line of through highway, the three following courses and distances; namely, North $17^{\circ}-32'-28''$ West 131.63 feet, by a line curving to the right with a radius of 33.86 feet the distance of 50.67 feet which are is subtended by a chord bearing North $25^{\circ}-19'-35''$ East 46.07 feet and North $71^{\circ}-45'-40''$ East 2.62 feet to the place of beginning.

All courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

The said portion of Interstate Route No. 95 as directed to be condemned being more particularly shown on a plat numbered 345-A-3 which was filed in the Office of the Department of Public Works on the Fourth (4th) day of October, in the year 1984 and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the

subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said portion of Interstate Route No. 95 and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 277

(Council No. 568)

AN ORDINANCE concerning

PARKING—RESERVED
REVERDY ROAD

FOR the purpose of providing for reserved parking on Reverdy Road near Northwood Drive for Wayne P. Thacker displaying a permit.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the south side of Reverdy Road, from a point 288' west of Northwood Drive to a point 310' west of Northwood Drive, parking is reserved for Wayne P. Thacker, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 278

(Council No. 433)

AN ORDINANCE concerning

REZONING—2334-2342 GUILFORD AVENUE

FOR the purpose of changing the zoning for the properties known as 2334-2342 Guilford Avenue from the R-8 Zoning District to the ~~B-3-2~~ M-1-1 Zoning District as outlined in red on the AMENDED plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 36

Article 30—Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 36 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-8 Zoning District to the ~~B-3-2~~ M-1-1 Zoning District the properties known as 2334-2342 Guilford Avenue, as outlined in red on the AMENDED plats accompanying this ordinance.

SEC. 2. *And be it ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in

order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 279

(Council No. 547)

AN ORDINANCE concerning

PARKING - RESERVED
GLENDALE AVENUE

FOR the purpose of providing for reserved parking on Glendale Avenue near Shadow Lane for Margaret M. McKew displaying a permit.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on Glendale Avenue, north side, from a point 240' east of Shadow Lane to a point 265' east of Shadow Lane, parking is reserved for Margaret M. McKew displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved February 4, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 280

(Council No. 548)

AN ORDINANCE concerning

CITY STREET—CLOSING OF MOSHER STREET

FOR the purpose of condemning and closing Mosher Street, extending from Malster Avenue, Northeasterly to the end thereof in accordance ~~width~~ WITH a plat thereof numbered 344-A-22, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-fourth (24th) day of October, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close Mosher Street, extending from Malster Avenue, Northeasterly to the end thereof the street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the northeast side of Malster Avenue, 60 feet wide, and the northwest side of Mosher Street, 66 feet wide, and running thence binding on the northwest side of said Mosher Street, Northeasterly 33 feet, more or less, to the end thereof; thence binding on the northeasternmost extremity of said Mosher Street, Southeasterly 66 feet, more or less, to the southeast side of said Mosher Street; thence binding on the southeast side of said Mosher Street, Southwesterly 33 feet, more or less, to intersect the northeast side of said Malster Avenue, and thence binding on the northeast side of said Malster Avenue, Northwesterly 66 feet, more or less, to the place of beginning.

The said Mosher Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 344-A-22 which was filed in the Office of the Department of Public Works on the Twenty-fourth (24th) day of October, in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporations shall desire to remove, alter or interfere therewith, such person, firm or

corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said Mosher Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved February 4, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 281

(Council No. 557)

AN ORDINANCE concerning

**URBAN RENEWAL—DRUID HEIGHTS—
AMENDMENT 3 TO THE URBAN RENEWAL PLAN**

FOR the purpose of amending the Urban Renewal Plan for Druid Heights, to among other things, expand the project boundary to include the north side of the 1200 and 1300 blocks of W. North Avenue and the east side of the 1800 and 1900 blocks of McCulloh Street, said McCulloh Street blocks to be deleted from the Madison-Park North Urban Renewal Project; transfer two Disposition Lots within said McCulloh Street blocks to Druid Heights; recommend a zoning district change for the public park Disposition Lot; revise sections of said Plan relating to the Zoning Ordinance; eliminate references to specific non-conforming properties; approve provisions regarding non-complying uses; create a Community Commercial land use category to govern uses on 2216-18½ Division Street; recommend a zoning district change for this property; provide that the approval of said amended Plan shall not be construed as an enactment of amendments to the Zoning Ordinance contained therein; revise landscaping and sign requirements on all disposition lots; prohibit sand-blasting of masonry facades with certain exceptions; create the 1200 W. North Avenue Business District and provide rehabilitation standards for non-residential properties within the District; provide penalties for violating these standards; revise certain Plan exhibits; waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of Renewal Plans which the amended Renewal Plan for Druid Heights may not meet; provide for the separability of the various parts and applications of this Ordinance; provide that where the provisions of this Ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for Druid Heights was first approved by the Mayor and City Council of Baltimore by Ordinance 376, dated June 28, 1977; and amended by Ordinance 696, dated April 17, 1978, and Ordinance No. 1027, dated May 24, 1979; and

WHEREAS, it is necessary to amend the Urban Renewal Plan for Druid Heights to expand the project boundary to include the north side of the 1200 and 1300 blocks of W. North Avenue and the east side of the 1800 and 1900 blocks of McCulloh Street, said McCulloh Street blocks presently within the Madison-Park North Urban Renewal Project; to provide rehabilitation standards for the 1200 block of W. North Avenue; to create a new Community Commercial land use category to govern the development of 2216-18½ Division Street, and to include a number of other changes to update and standardize certain provisions in all Urban Renewal Plans; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in

any Renewal Plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a Renewal Plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Urban Renewal Plan for Druid Heights make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Druid Heights, revised to include Amendment No. 3, dated October 1, 1984; and

WHEREAS, said amended Plan has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in said amended Renewal Plan; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That the amended Urban Renewal Plan for Druid Heights, identified as "URBAN RENEWAL PLAN DRUID HEIGHTS . . . revised to include Amendment No. 3, dated October 1, 1984" is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and make the same available for public inspection and information.*

SEC. 2. *And be it further ordained, That the boundaries of the Druid Heights Urban Renewal Area shall be revised to include the north side of the 1200 and 1300 blocks of W. North Avenue and the east side of the 1800 and 1900 blocks of McCulloh Street—said McCulloh Street blocks presently in the Madison-Park North Urban Renewal Project, as established under Ordinance 1594, dated April 16, 1963, as amended—and said McCulloh Street blocks are hereby deleted from the boundaries of the Madison-Park North Urban Renewal Project. Therefore, Section 1 of Ordinance 376, dated June 28, 1977, is hereby amended to read as follows:*

Beginning for the same at the intersection formed by the north side of Laurens Street and the center line of Tiffany Alley; [west side of McCulloh Street;] thence binding on the center line of Tiffany Alley [west side of McCulloh Street] northerly to intersect [the south side of Presstman Street; thence binding on the south side of Presstman Street easterly to intersect the center line of Tiffany Alley; thence binding on the center line of Tiffany Alley northerly to intersect] the north side of Gold Street; thence binding on the north side of Gold Street easterly to intersect the center line of North Avenue;

thence binding on the center line of North Avenue westerly to intersect a line extending the east side of McCulloh Street; thence binding on the line extending the east side of McCulloh Street and the east side of McCulloh Street northwesterly to intersect a line extending the south side of the first 10 foot alley; thence binding on the line extending the south side of said 10 foot alley and the south side of said 10 foot alley westerly 267 feet, more or less, and continuing in a southwesterly direction 9 feet, more or less, on a line forming the south side of a 5 foot alley; thence binding on the south side of said 5 foot alley northerly 5 feet, more or less, to intersect the southern property line of Lot 18, Block 3415; thence binding on said property line and its extension in a straight line southwesterly to intersect the west side of Druid Hill Avenue; thence binding on the west side of Druid Hill Avenue northerly and northwesterly to intersect the south side of the first 15 foot alley; thence binding on the south side of said 15/20 foot alley westerly to intersect the division line between Lots 23 and 24/25, Block 3414; thence binding on said division line southerly to intersect the center line of North Avenue; thence binding on the center line of North Avenue westerly to intersect a line extending the west side of Pennsylvania Avenue; thence binding on the line extending the west side of Pennsylvania Avenue and the west side of Pennsylvania Avenue southerly to intersect a line extending the north side of Bloom Street; thence binding on the line extending the north side of Bloom Street and the north side of Bloom Street easterly to intersect the east side of Division Street; thence binding on the east side of Division Street southerly to intersect the north side of Laurens Street; thence binding on the north side of Laurens Street easterly to the point of beginning.

SEC. 3. *And be it further ordained*, That the two Disposition Lots within the 1800 and 1900 blocks of McCulloh Street – the residential lot on the north side of Laurens Street between Tiffany and McCulloh Streets and the public park lot on the north side of Robert Street between Tiffany and McCulloh Streets – shall be transferred from the Madison-Park North to the Druid Heights Urban Renewal Projects.

SEC. 4. *And be it further ordained*, That the zoning of said public park Disposition Lot mentioned in Section 3 of this Ordinance is recommended to be changed from the R-8 to the R-8-P zoning district in order to reflect its public ownership and use.

SEC. 5. *And be it further ordained*, That the revisions to the following sections of said Urban Renewal Plan for Druid Heights in order to clarify references to, terminology in, and procedural requirements of the Zoning Ordinance of Baltimore City [Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended)] are hereby approved:

Section B.1.c entitled "Non-Conforming"
Section C.6. entitled "Zoning"

SEC. 6. *And be it further ordained*, That the listing of specific Non-Conforming properties (Appendix A of the Urban Renewal Plan) and their designation on the Zoning Districts Exhibit in said Urban Renewal Plan shall be eliminated.

SEC. 7. *And be it further ordained*, That the following provisions regarding Non-Conforming Uses are hereby approved and shall be added to Section B.1. of said Urban Renewal Plan entitled "Permitted Uses":

"Non-Complying

A non-complying use, as set forth in Chapter 8 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), titled "Zoning", is any lawfully existing structure which does not comply with the bulk regulations of the zoning district in which it is located. These non-complying uses shall be permitted to continue, subject to the provisions of said Chapter 8.

In addition, a non-complying use—when such term is used herein—is any lawfully existing use of a building or other structure, or of land, which does not comply with the land use regulations of this Plan. These non-complying uses shall be permitted to continue for an indefinite period of time, except that:

(1) any non-complying land use which is discontinued for a period exceeding twelve (12) months shall not be re-established:

(2) no change in the permanent physical members of a structure, such as bearing walls, columns, beams, or girders, or no substantial change in the roof or in the exterior walls shall be made in or to a building or structure except those required by law or except to make the building and use thereof conform to the regulations of this Plan; and

(3) no non-complying land use shall be changed to any other non-complying land use."

SEC. 8. *And be it further ordained*, That the following new land use category, Community Commercial, is hereby approved and shall be added to section 3.1. of the Urban Renewal Plan, entitled "Permitted Uses." Such category shall apply to the property at 2215-18½ Division Street.

"Community Commercial

Community Commercial uses shall be limited to contractor and construction shops and offices, and plumbing, heating and electrical equipment showrooms and shops."

SEC. 9. *And be it further ordained*, That the zoning of the property known as 2216-18½ Division Street is recommended to be changed from the R-8 to the B-3-1 zoning district.

SEC. 10. *And be it further ordained*, That approval of Amendment No. 3 to the Urban Renewal Plan for Druid Heights shall not be construed as an enactment of the amendments to the Zoning Ordinance of Baltimore City, as contained in Sections 4 and 9 of this Ordinance and as shown on Exhibit 4—Zoning Districts Map, dated as revised October 1, 1984.

SEC. 11. *And be it further ordained*, That the revisions to the standards and controls on landscaping and signs for disposition lots, as contained in said

amended Urban Renewal Plan under Section B.2.a. "Provisions Applicable to Land and Property to be Acquired" are hereby approved.

SEC. 12. *And be it further ordained*, That the following provision on sandblasting of masonry facades shall be applied to all properties in Druid Heights and shall be incorporated into said amended Urban Renewal Plan in Section C.2. "Rehabilitation":

"Over and above the codes and ordinances of the City of Baltimore, cleaning of masonry facades by means of sandblasting shall not be permitted, except where sandblasting is determined by the Commissioner of the Department of Housing and Community Development to be the only feasible means of surface cleaning and where, in the Commissioner's opinion, it will not cause damage to historic building materials."

SEC. 13. *And be it further ordained*, That the properties known as 1200 through 1228/30 W. North Avenue, 1201 through 1221 W. North Avenue and 2301 Druid Hill Avenue shall constitute the 1200 W. North Avenue Business District and the following additional standards, as contained in Appendix B of said amended Urban Renewal Plan, shall be applied to all non-residential properties, whether occupied or vacant, within this District:

a. Windows

Windows not in the front of the buildings shall be kept properly repaired or, with Fire Department approval, may be closed, in which case sills, lintels and frames must be removed and the opening properly closed to match the material, design and finish of the adjacent wall.

(2) All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins shall be replaced. All broken and missing window glass shall be replaced with glass or approved plastic glazing. All exposed wood shall be repaired and painted.

(3) Window openings in upper floors of buildings with fronts or sides on Druid Hill Avenue, North Avenue, and McCulloh Street, shall not be filled or boarded up. Windows in unused areas of the upper floors may be backed by a solid surface on the inside of the glass. Window panes shall not be painted.

(4) Shutters may not be provided on windows above the first floor level on the front or sides of the buildings.

b. Building Fronts and Sides Abutting Streets

(1) All defective structural and decorative elements of building fronts and sides abutting streets shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction of that building. All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.

(2) All cornices, upper store windows (and all other portions of a building containing wood trim) shall be made structurally sound. Rotten or weakened por-

tions shall be removed and repaired, or replaced to match as closely as possible the original patterns. All exposed wood shall be painted or stained, or otherwise treated for protection.

(3) A show window, as a part of the building facade, shall be defined to include:

(a) the building face and the entrance area leading to the door; plus

(b) the door, sidelights, transoms, display platform, devices including lighting and signing designed to be viewed from the public right-of-way and/or the area visible to the public prior to entering the interior portion of the structure.

Show windows, entrances, signs, lighting, sun protection, security grilles, etc. shall be compatible, harmonious and consistent with the original scale and character of the structure. All show window elements must be located within 13 feet of grade.

Enclosures and housings for security grilles and screens shall be as inconspicuous as possible and compatible with other elements of the facade. Metal enclosures must be painted to match trim unless they are incorporated in the sign structure.

All exposed portions of the grille, screen or enclosure which are normally painted and all portions which require painting to preserve, protect or renovate the surface shall be painted.

All screens and grilles protecting entrances and show windows must be constructed so they can be opened or removed. Such screens and grilles shall be opened or removed during the normal business hours of that business.

No temporary or permanent sign affixed or placed against the inside surface of a show window shall exceed 20% of the area of that show window.

Decals one square foot or less in area may be affixed to show windows or entrance door windows.

(4) Solid or permanently enclosed storefronts shall not be permitted, unless treated as an integral part of the building facade using wall materials and window detailing compatible with the upper floors.

(5) Awnings – No awnings, sun screens, or canopies shall be permitted over the first floor and on the upper floors over the windows.

(6) Adjoining buildings used by the same occupant shall be rehabilitated in a unified and harmonious manner. Each building shall be rehabilitated and repaired with materials and in a manner consistent with the original construction techniques where feasible.

(7) All exterior front or side walls which have not been wholly or partially resurfaced or built over shall be repaired, cleaned, and repointed if necessary, in an acceptable manner. Brick walls shall be pointed where necessary. Painted masonry walls shall have loose material removed and be painted a single color except for trim which may be another color. Patched walls shall match the existing adjacent surfaces as to materials, color, bond and jointing.

(8) Masonry walls shall be treated in the following manner:

(a) Natural stone shall be clean and mortar joints pointed, where necessary.

(b) Brick will be cleaned and repointed if necessary; or if the brick has been previously painted, it will be chemically cleaned.

(c) Existing formstone applied over brick will be removed, the brick cleaned and repointed if necessary.

(d) Any other applied facing materials which are decorative only shall be removed within 24 months if not original; if original and corrugated metal siding or plywood, they shall be removed and replaced with approved harmonious materials; if original and other than corrugated metal siding or plywood, they shall be repaired as necessary according to the minimum standards set forth herein.

(e) Any facing materials applied for reasons other than decoration shall be painted or otherwise treated in a manner harmonious to the rest of the structure as approved by the Department of Housing and Community Development.

(9) Existing miscellaneous elements on the building fronts, such as empty electrical or other conduits, unused sign brackets, etc., shall be removed and the building repaired as necessary.

(10) Sheet metal gutters and downspouts shall be repaired or replaced as necessary and shall be neatly located and securely installed. Gutters and downspouts shall be painted to harmonize with other building front colors.

c. Rear and Side Walls

(1) Rear and side walls shall be repaired and painted to present a neat and fresh appearance. Rear walls shall be painted to cover evenly all miscellaneous patched and filled areas or be stuccoed to present an even and uniform surface.

(2) Side walls, where visible from any street, shall be finished or painted so as to harmonize with the front of the building.

d. Roofs

(1) Chimneys, elevator penthouses or any other auxiliary structures on the roofs shall be repaired and cleaned as required for rear and side walls. Any construction visible from the street or from other buildings shall be finished so as to be harmonious with other visible building walls.

(2) Any new mechanical equipment placed on a roof shall be so located as to be hidden from view from the shopping streets, and to be as inconspicuous as possible from other viewpoints. New equipment shall be screened with suitable elements of a permanent nature, finished so as to harmonize with the rest of the building. Where such screening is infeasible, equipment shall be installed in a neat, presentable manner, and shall be painted in such a manner as to minimize its visibility.

(3) Television and radio antennae shall be located so as to be as inconspicuous as possible.

(4) Roofs shall be kept free of trash, debris, or any other element which is not a permanent part of the building or a functioning element of its mechanical or electrical system.

e. Auxiliary Structures

Structures at the rears of buildings attached or unattached to the principal commercial structure which are structurally deficient, shall be properly repaired or demolished.

f. Rear Yards

Where a rear yard exists or is created through the demolition of structures, the owner shall condition the open area in one of the two ways outlined below.

(1) Enclosure of Yards

A rear yard may be enclosed along side and rear property lines by a masonry wall, consistent and harmonious in design with the rear walls of the building. Solid doors or solid gates may be used to the extent necessary for access and delivery. Such walls must be not less than five feet in height.

(2) Provision of Parking Area

An unenclosed rear yard may be used as a parking or loading area providing that it is properly paved, illuminated and maintained. A sign not exceeding six (6) square feet may be used to identify and control parking and loading. The building occupant shall be responsible for maintenance of the parking area in a neat and clean manner. No storage of trash containers shall be allowed in this area except when housed in permanent structures of acceptable design. Parking of unlicensed and abandoned vehicles shall not be permitted in rear yards, air way or alley and unenclosed areas.

g. Signs

(1) All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from view as much as possible.

(2) Flat signs shall be placed parallel to the building face and shall not project more than 12" from the surface of the building and shall not exceed in area three times the width in feet of the frontage of the building. In the case of corner properties, each facade is to be calculated separately as to size allowed for each. Flat signs shall be placed no higher than one inch below the sill of the bottom of the second story windows where windows exist or 13 feet above grade level, whichever is lower. Signs shall be permitted at rear entrance doors but shall not exceed six square feet in size, except where authorized by the Department of Housing and Community Development.

(3) Marquees or projecting signs shall not be placed on any portion of any building. Existing projecting or otherwise non-complying signs shall be removed

within 24 months of the passage of the ordinance approving Amendment No. 3 to this Plan.

(4) Painted signs on building surfaces or use of separate cutout letters shall be permitted in accordance with the above limits for flat signs or as authorized by the Department of Housing and Community Development.

(5) Non-illuminated secondary signs shall not exceed two (2) square feet in area and shall not project more than one inch beyond the surface of the building, nor shall they be placed higher than 13 feet above grade level.

(6) Roof top signs, signs above the parapet of buildings, signs painted or mounted on structures other than billboards, except as otherwise herein provided, shall not be permitted.

(7) Flashing or moving signs other than barber poles shall not be permitted.

(8) All signs not conforming to the above regulations shall be removed within two years from the date of enactment of Amendment No. 3 to this Plan. Future minor privilege permits for signs shall be issued only for those signs meeting project design criteria.

(9) No private signs shall be permitted except as herein provided or as otherwise authorized by the Department of Housing and Community Development for temporary purposes not exceeding thirty days.

h. Lighting

(1) The following lighting methods are not permitted:

- (a) Exposed fluorescent lighting.
- (b) Exposed quartz or mercury vapor lamps.
- (c) Exposed incandescent lamps other than low wattage, purely decorative lighting.

(2) The following lighting methods are permitted:

- (a) Fully recessed downlights or wallwashers in projecting metal box. Box must run full length of storefront at top of sign area.
- (b) Shielded fluorescent lamps with diffusers in projecting metal box. Box must run full length of storefront at top of sign zone.
- (c) "Gooseneck incandescents," porcelain enamel reflector on bent metal tube arm. Housing to prevent glare at pedestrian eyeline.
- (d) Internally illuminated signs or back-lit (halo) letters.

(1) All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from view as much as possible.

i. Footways

Footways adjacent to all properties within the 1200 W. North Avenue Business District shall be maintained in a manner consistent with applicable Baltimore City Codes. In addition, when required, footways shall be repaired or replaced to present a neat and even appearance and in a manner that is compatible with the materials, design and finish of adjacent footways surfaces.

j. Off-Street Parking Requirements

(1) Parking spaces shall be provided on all lots as established in the Zoning Ordinance of Baltimore City, or in such lesser amount as may be authorized by the Board of Municipal and Zoning Appeals as a Special Exception or Variance. In addition to these requirements, off-street parking areas shall be visually screened from public streets and adjacent properties.

(2) All required parking spaces shall be provided with the proper ingress and egress to a public street or alley by means of access drives and aisles.

(3) All parking facilities shall be effectively screened. Screening shall consist of a masonry wall or durable fence, or combination thereof, not less than four (4) feet in height; in lieu of such wall or fence a compact evergreen hedge of not less than four (4) feet in height at time of original planting may be used. Screening and landscaping shall be maintained in good condition and shall be so designed and placed so as not to obstruct vehicle sight distances at entrances and exits. The design of the lot screening shall be approved by the Department of Housing and Community Development.

(4) All exterior (surface) parking areas shall be paved with a hard dust-free surface, and shall be properly illuminated, and maintained in a neat and clean manner.

(5) A sign not exceeding six (6) square feet may be used to identify and control parking and loading.

k. Off-Street Loading, Storage and Service

(1) Where permitted by the Zoning Ordinance of Baltimore City, front, side or rear yards may be used for loading, storage or service. In addition to any requirements of the Zoning Ordinance, these areas shall be appropriately screened/landscaped from all adjacent streets and properties. Appropriate screening/landscaping shall include, but is not necessarily limited to, solid and perforated masonry walls at least five feet, six inches in height, solid fences and trees, and shrubs planted at appropriate intervals or a combination of these.

(2) All yards used for loading and vehicle storage and service shall be provided with the proper ingress and egress to a public street or alley by means of access drives and aisles. Such drives and aisles shall be consistent with the intended use of the property and shall not be excessive in size.

(3) All outside storage of vehicles shall be restricted to three per service bay.

(4) No storage of trash containers shall be allowed except when housed in or screened by permanent structures of acceptable design. Trash storage areas shall be maintained in a neat and clean manner at all times.

l. Period of Compliance

To the extent that rehabilitation requirements for commercial uses are specifically applicable to the 1200 W. North Avenue Business District and are not generally required elsewhere, the work necessary to meet such requirements shall be completed within two (2) years from the date of approval of the Ordinance enacting Amendment No. 3 to this Plan, unless specifically outlined elsewhere in these Standards. No work, alterations or improvements shall be undertaken after enactment of the Ordinance approving Amendment No. 3 to this Plan which do not conform with the requirements herein.

However, the Commissioner of the Department of Housing and Community Development may waive compliance with one or more of these standards provided that the proposed improvements do not adversely affect objectives for the 1200 W. North Avenue Business District.

Nothing herein shall be construed to permit any sign, construction, alteration, change, repair, use or any other matter otherwise forbidden or restricted or controlled by any other public law.

m. Design Review and Approval

(1) It shall be the responsibility of the Department of Housing and Community Development to supervise that part of this Renewal Plan dealing with design, code enforcement and inspection.

(2) Designs for all improvements, modifications, repairs, rehabilitation or painting affecting the exterior of the existing buildings, yards, or show windows, signs, and new construction shall be submitted to the Department of Housing and Community Development and written approval by the Department shall be required before proceeding with the work. It shall be the responsibility of the property owner or an authorized agent to secure all the necessary permits in order to undertake the proposed work.

(3) The Commissioner of the Department of Housing and Community Development shall be concerned with all aspects of the designs affecting the exterior appearance of properties, and in particular with the following:

- (a) Colors to be used on buildings and signs.
- (b) Design of show windows and entrance area, including choice of material and types of security devices.
- (c) Design of signs, methods of illumination, colors, materials and methods of suspension.
- (d) Conditioning of rear yard spaces and location of delivery signs.
- (e) All exterior materials and colors.
- (f) Design of awnings, shutters and upper floor windows.
- (g) Compatibility of new construction, as to scale, color, materials and signing.

SEC. 14. *And be it further ordained*, That any persons guilty of violating the provisions contained in Sections 12 and 13 of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. 15. *And be it further ordained*, That the following revised exhibits contained in said Urban Renewal Plan for Druid Heights, dated as revised October 1, 1984, are hereby approved:

- Exhibit 1 - Land Use Plan
- Exhibit 2 - Property Acquisition
- Exhibit 3 - Land Disposition
- Exhibit 4 - Zoning Districts

SEC. 16. *And be it further ordained*, That in whatever respect, if any, the said Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the Renewal Plan approved hereby is exempted therefrom.

SEC. 17. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part of the application thereof so held invalid.

SEC. 18. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any urban renewal, zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 19. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved February 13, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 282

(Council No. 260)

AN ORDINANCE concerning

REZONING-2216 DIVISION STREET

FOR the purpose of changing the zoning of the property known as 2216 Division Street, from the R-8 Zoning District to the B-3-1 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 44

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 44 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-8 Zoning District to the B-3-1 Zoning District the property known as 2216 Division Street, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved February 21, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 283

(Council No. 562)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
COMMUNITY COLLEGE OF BALTIMORE

FOR the purpose of providing a supplementary general fund appropriation in the amount of Eighty-four Thousand Four Hundred Fifty Dollars (\$84,450) to the Community College of Baltimore to be used for payment of prior years operating expenditures made for the Day Care Center.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents surplus general funds arising in the preceding fiscal year which became a part of the general revenue of the City in excess of the amount estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for general expenditures of the City in the current fiscal year, as provided in Article VI, Section 2(i) of the 1964 revised Charter of Baltimore City as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 21st day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of Eighty-four Thousand Four Hundred Fifty Dollars (\$84,450) shall be made available to the Community College of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1985, for the purpose of payment of prior years operating expenditures made for the Day Care Center. The amount thus made available as a supplementary general fund appropriation shall be expended from surplus general funds of the Mayor and City Council of Baltimore carried over from the preceding budget year; and said funds from the said surplus shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).*

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved February 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 284

(Council No. 563)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
COMMUNITY COLLEGE OF BALTIMORE

FOR the purpose of providing a supplementary general fund appropriation in the amount of Four Hundred Nineteen Thousand One Hundred Thirty-one Dollars (\$419,131) to the Community College of Baltimore to be used for payment of prior years operating expenditures made for Student Financial Aid.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents surplus general funds arising in the preceding fiscal year which became a part of the general revenue of the City in excess of the amount estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for general expenditures of the City in the current fiscal year, as provided in Article VI, Section 2(i) of the 1964 revised Charter of Baltimore City as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 21st day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of Four Hundred Nineteen Thousand One Hundred Thirty-one Dollars (\$419,131) shall be made available to the Community College of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1985, for the purpose of payment of prior years

operating expenditures made for Student Financial Aid. The amount thus made available as a supplementary general fund appropriation shall be expended from surplus general funds of the Mayor and City Council of Baltimore carried over from the preceding budget year; and said funds from the said surplus shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved February 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 285

(Council No. 564)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
COMMUNITY COLLEGE OF BALTIMORE

FOR the purpose of providing a supplementary general fund appropriation in the amount of Sixty-six Thousand Four Hundred Twenty-four Dollars (\$66,424) to the Community College of Baltimore to be used for payment of prior years operating expenditures made for the College Bookstore.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents surplus general funds arising in the preceding fiscal year which became a part of the general revenue of the City in excess of the amount estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for general expenditures of the City in the current fiscal year, as provided in Article VI, Section 2(i) of the 1964 revised Charter of Baltimore City as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 21st

day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of Sixty-six Thousand Four Hundred Twenty-four Dollars (\$66,424) shall be made available to the Community College of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1985, for the purpose of payment of prior years operating expenditures made for the College Bookstore. The amount thus made available as a supplementary general fund appropriation shall be expended from surplus general funds of the Mayor and City Council of Baltimore carried over from the preceding budget year; and said funds from the said surplus shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved February 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 286

(Council No. 565)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
COMMUNITY COLLEGE OF BALTIMORE

FOR the purpose of providing a supplementary general fund appropriation in the amount of Five Hundred Forty-three Thousand Three Hundred Fifteen Dollars (\$543,315) to the Community College of Baltimore to be used for payment of prior years operating expenditures made for the College Radio Station.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents surplus general funds arising in the preceding fiscal year which became a part of the general revenue of the City in excess of the amount estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for general expenditures of the City in the current fiscal year, as provided in Article VI, Section 2(i) of the 1964 revised Charter of Baltimore City as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 21st day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of Five Hundred Forty-three Thousand Three Hundred Fifteen Dollars (\$543,315) shall be made available to the Community College of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1985, for the purpose of payment of prior years operating expenditures made for the College Radio Station. The amount thus made available as a supplementary general fund appropriation shall be expended from surplus general funds of the Mayor and City Council of Baltimore carried over from the preceding budget year; and said funds from the said surplus shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved February 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 287

(Council No. 566)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
COMMUNITY COLLEGE OF BALTIMORE

FOR the purpose of providing a supplementary general fund appropriation in the amount of One Hundred Eighty-six Thousand Six Hundred Eighty Dollars (\$186,680) to the Community College of Baltimore to be used for payment of prior years operating expenditures made for special student activities and related functions.

BY authority of
Article VI - Board of Estimates
Section 2(h)(3)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents surplus general funds arising in the preceding fiscal year which became a part of the general revenue of the City in excess of the amount estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for general expenditures of the City in the current fiscal year, as provided in Article VI, Section 2(i) of the 1964 revised Charter of Baltimore City as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 21st day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1966 revision of the Charter of Baltimore City as amended, the sum of One Hundred Eighty-six Thousand Six Hundred Eighty Dollars (\$186,680) shall be made available to the Community College of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1985, for the purpose of payment of prior years operating expenditures made for special student activities and related functions. The amount thus made available as a supplementary general fund appropriation shall be expended from surplus general funds of the Mayor and City Council of Baltimore carried over from the preceding budget year; and said funds from the said surplus shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved February 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 288

(Council No. 567)

AN ORDINANCE concerning

CITY STREET—CLOSING PARK AVENUE, VARYING IN WIDTH, AND
EXTENDING FROM HOWARD STREET, SOUTHEASTERLY TO
PRESTON STREET

FOR the purpose of condemning and closing Park Avenue, varying in width, and extending from Howard Street, Southeasterly to Preston Street in accordance with a plat thereof numbered 345-A-4, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Thirty-first (31st) day of October, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close Park Avenue, varying in width, and extending from Howard Street, Southeasterly to Preston Street the street hereby directed to be condemned for said closing being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Howard Street, 80 feet wide, and the northeast side of Park Avenue, varying in width, and running thence binding on the northeast side of said Park Avenue, South 43°-35'-00" East 324.09 feet to intersect the north side of Preston Street, 100 feet wide; thence binding on the north side of said Preston Street, South 87°-15'-00" West 98.59 feet to intersect the southwest side of said Park Avenue; thence binding on the southwest side of said Park Avenue the two following courses and distances; namely, North 37°-05'-40" West 70.33 feet and by a line curving to the left with a radius of 100.00 feet the distance of 81.51 feet which arc is subtended by a chord bearing North 60°-26'-39.5" West 79.27 feet to intersect the east side of said Howard Street and thence binding on the east side of said Howard Street, North 05°-22'-50" West 144.93 feet to the place of beginning.

the said Park Avenue as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 345-A-4 which was filed in the Office of the Department of Public Works on the Thirty-first (31st) day of October in the year 1984 and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface struc-

tures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said Park Avenue and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved February 21, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 289

(Council No. 606)

AN ORDINANCE concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS
(COLLINS LITHOGRAPHING & PRINTING CO., INC. FACILITY)**

FOR the purpose of (i) authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed One Million One Hundred Thousand Dollars (\$1,100,000.00), pursuant to the provisions of Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended for the sole and exclusive purpose of financing, to the extent possible to federal and state laws relating to the issuance of industrial development bonds, the cost of the completion by Collins Lithographing & Printing Co., Inc., a Maryland corporation, of a certain facility to consist of and include: (a) the acquisition of a Miller TP-104 four color perfecting press with unimatic console; (b) 505 Calograph computer driven automatic drafting and mask cutting device; (c) Laser color scanner with high performance direct color separator and laser dot generator; and (d) the installation in such space of such machinery and equipment and all other improvements therein, as may be necessary or useful in connection with the operation of Collins Lithographing & Printing Co., Inc.'s business, all to be located at its present place of business at 501 West Twenty-Third Street, Baltimore, Maryland 21211, and authorizing the Mayor of the City, on behalf of the City, to accept the Letter of Intent dated December 2, 1984 from Collins Lithographing & Printing Co., Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of any Bonds issued by the City; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds issued by the City, to: (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling and the times or times of issuance, and any and all other details of such bonds; and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds by the City; providing that any bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds), issued by the City, must be issued and sold within six (6) months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six (6) month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of the bonds of the City.

RECITALS

Sub-section (50) of the Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in con-

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K. COLLIER, CLARK, THORNTON & S.

nection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations; (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations; (III) the contracts, mortgages, or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations; or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of employment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a Letter of Intent dated December 2, 1984 (the "Letter of Intent") from Collins Lithographing & Printing Co., Inc., a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing, to the extent possible pursuant to federal and state laws relating to the issuance of industrial development bonds, of the costs of the completion by the Borrower of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed One Million One Hundred Thousand Dollars (\$1,100,000.00) (the "City Bonds") and by making the proceeds of the bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility by the Borrower.

The Letter of Intent expresses the Borrower's intention that the interest payable on the City Bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended. The Borrower acknowledges in the Letter of Intent that the City reserves certain rights concerning the issuance of the City Bonds as provided in Section 4 hereof.

The Facility, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist of and include: (a) the acquisition of a Miller TP-104 four color perfecting press with unimatic console; (b) 505 Calograph computer driven automatic drafting and mask cutting device; (c) Laser color scanner with high performance direct color separator and laser dot generator; and (d) the installation in such space of such machinery and equipment and all other improvements therein, as may be necessary or useful in connection with the operation of Collins Lithographing & Printing Co., Inc.'s business, all to be located at its present place of business at 501 West Twenty-Third Street, Baltimore, Maryland 21211.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the City Bonds and the issuance and sale

thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the City Bonds.

NOW THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the City Bonds by the City pursuant to the Enabling Law to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Facility will facilitate and expedite the completion of the Facility by the Borrower.

(2) The completion of the Facility by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by: (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; and (c) encouraging the increase of industry and a balanced economy in Baltimore City. Specifically, the acquisition of the Facility in anticipated to increase employment in Baltimore City by creating fifteen (15) new jobs within the next three (3) years.

(3) Any and all of the City Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the City Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility; (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds; (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the City Bonds; or (IV) any combination of (I), (II), or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the City Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal of this Ordinance. The proceeds of the City Bonds will be made available to the Borrower under terms and conditions approved by the Board as set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility.

SEC. 3. *And be it further ordained*, That the City and the Borrower contemplate that, upon the effectiveness of this Ordinance, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of

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the City Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Facility prior to the adoption of a resolution by the Board, as described in Section 5(a) below, the Borrower does so at its own risk.

SEC. 4. *And be it further ordained*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to insure that the City: (a) complies with present federal and State laws and any pending or future federal or State legislation, whether proposed or enacted, which may restrict the issuance of industrial development bonds; and (b) issues its bonds (within the meaning of the Enabling Law and any present or future State and local laws), within the limits imposed by any such present laws or any such pending or future legislation or any future local laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

Pursuant to the provisions of this Section 4, the City reserves the right, in its sole and absolute discretion, to, among other things: (1) never issue the City Bonds; (2) issue only a portion of the aggregate principal amount of the City Bonds requested by the Borrower; (3) restrict the use of the proceeds of the City Bonds; (4) delay indefinitely the issuance of the City Bonds; or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

In addition, in the event that any present law or any pending or future legislation limits or would limit (by a volume limitation or otherwise) the City's ability to issue bonds or other obligations, the interest payable on which is to be exempt from federal income taxation, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Law and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the City Bonds, to:

(a) approve the issuance of the City Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the City Bonds and the issuance and sale thereof;

(c) approve: (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement; (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law; and (iii) such provisions in any such trust agreement or similar agreements as the Board may deem reasonable and proper for the security of the holders of the City Bonds;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than

customary financing statements and closing certificates), under which the proceeds of the City Bonds will be made available to the Borrower to finance the costs of the completion of the Facility; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the City Bonds.

SEC. 6. *And be it further ordained*, That any and all of the City Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the City Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility; (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the City Bonds; (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the City Bonds; or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the City Bonds.

SEC. 7. *And be it further ordained*, That any and all of the City Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other document as the Board shall deem necessary to effectuate the issuance, sale and delivery of the City Bonds shall be executed in the name of the City on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the City Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the City Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transaction authorized by this

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Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained*, That the authority to issue the City Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1983 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "City Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

- (a) approve the issuance of such bond anticipation notes;
- (b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;
- (c) approve: (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement; (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law; and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;
- (d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Facility; and
- (e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the City Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such City Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the City Bonds no longer exists. The timely issuance of such City Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such City Bonds at the time the reason for deferring the issuance of the City Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 10. *And be it further ordained*, That the passage of this Ordinance shall not in any way indicate the approval of, or constitute any commitment for ap-

proval by, the City or any of its officers or employees of, any license, permit, application or any other request to the City with respect to the acquisition and operation of the Facility.

SEC. 11. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it further ordained*, That either the City Bonds or bond anticipation notes issued pursuant to this Ordinance in anticipation of the issuance of the City Bonds, must be issued and sold within six (6) months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six (6) month period, may extend the period during which either the City Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six (6) months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the City Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the City Bonds and such bond anticipation notes shall expire.

SEC. 13. *And be it further ordained*, That, as required by Section 103(n)(12)(A) of the Internal Revenue Code, as amended (the "Code"), the City Council of the City, by its passage of this Ordinance, and the Mayor of the City, by his approval of this Ordinance, hereby collectively certify under penalty of perjury that any allocation by the City of any State volume limitation in the aggregate amount of "Private Activity Bonds" (as defined in the Code) which can be issued by the State of Maryland, its agencies and subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 14. *And be it further ordained*, That this Ordinance shall take effect from the date of its enactment.

Approved February 21, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 290

(Council No. 313)

AN ORDINANCE concerning

REZONING - 3003 O'DONNELL STREET

FOR the purpose of changing the zoning for the property known as 3003 O'Donnell Street, from the R-8 Zoning District to the B-2-2 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 68

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Sheet No. 68 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-8 Zoning District to the B-2-2 Zoning District the property known as 3003 O'Donnell Street, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained, That* upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained, That* this ordinance shall take effect thirty days from the date of its passage.

Approved February 22, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 291

(Council No. 585)

AN ORDINANCE concerning

ZONING—MARINAS

FOR the purpose of adding marinas to the lists of conditional uses in all zoning districts; changing the off-street parking requirements for marinas; and providing standards for the granting of these conditional uses by the Zoning Board.

BY adding to

Article 30—Zoning

Sections 4.1-1c-8c, 5.1-1c-8c, 6.1-1c-4b, 7.1-1c-6c, 7.2-1c-7a, 11.0-5a-14, 13.0-2-56a

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 30—Zoning

Sections 6.5-1c-2, 7.2-1b-37

Baltimore City Code (1983 Replacement Volume, as amended)

BY amending

Article 30—Zoning

Sections 9.0-3—Marinas

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30—ZONING

Chapter 4—Residence Districts

4.1 R-1 Single Family Residence District

1c. Conditional uses

8c. Marinas

Chapter 5—Office-Residence Districts

5.1 O-R Office-Residence District

1c. Conditional uses.

8c. Marinas

Chapter 6—Business Districts

6.1 B-1 Community Business District.

1c. Conditional uses.

4b. Marinas

6.5 B-5 Central Business District.

1c. Conditional uses.

[2. Marinas]

Chapter 7 – Industrial Districts

7.1 M-1 Industrial District.

1c. Conditional uses.

6c. Marinas.

7.2 M-2 Industrial District.

1b. Permitted uses.

[37. Marinas]

1c. Conditional uses.

7a. Marinas

Chapter 9 – Off Street Parking Regulations

9.0-3 Schedule of Required Off-Street Parking Spaces

Marinas:

[B-4-1, B-4-2, B-3-1, B-3-2, B-3-3 One for each two marina slips or as determined by the Council after consideration of written recommendations by the Department of Transit and Traffic]

B-5-1, B-5-2, M-3, M-2-1, M-2-2 M-2-3 One for each two marina slips or as determined by the Board after consideration of written recommendations by the Department of Transit and Traffic]

B-4, B-5 As determined by the Department of Transit and Traffic but no greater than one for every three slips

All other districts One for each three marina slips with the nearest boundaries of the parking and the marina separated by no more than 300 feet; the requirement may be reduced by the Board after written recommendation by the Department of Transit and Traffic to reduce the number of required parking spaces

Chapter 11 – Administration and Enforcement

11.0-5 Standards

a. Standards for Conditional Uses.

14. In addition, in the case of marinas, the Board must find that the proposed project shall be ~~in conformance with~~ COMPATIBLE WITH AND SHALL NOT DISRUPT the Master Plan for Marinas, as adopted by the Planning Commission and amended from time to time, and shall further meet the following conditions:

(a) that the marina shall not unduly impede access to open water by other marinas, commercial operations or boat launches; and

(b) that the applicant has met or will meet all local, state and federal requirements relating to the construction, operation and maintenance of a marina.

Chapter 13—Rules and Regulations

13.0-2 Definitions.

56a. Marina: Any facility designed to moor, berth, or launch recreational vessels for ~~either commercial or accessory use~~ A COMMERCIAL PURPOSE AS EITHER A PRINCIPAL OR ACCESSORY USE. ANY FACILITY PRINCIPALLY DESIGNED TO MANUFACTURE OR REPAIR BOATS OR SHIPS SHALL NOT BE CONSIDERED A MARINA FOR THE PURPOSE OF THIS ORDINANCE.

SEC. 2. And be it further ordained, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved February 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 292

(Council No. 444)

AN ORDINANCE concerning

REZONING—1300 ANDRE STREET

FOR the purpose of changing the zoning for the property known as 1300 Andre Street from the R-8 Zoning District to the O-R-4 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 67

Article 30—Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That Sheet No. 67 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-8 Zoning District to the O-R-4 Zoning District the property known as 1300 Andre Street, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved February 26, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 293

(Council No. 516)

AN ORDINANCE concerning

ZONING - PLANNED UNIT DEVELOPMENT -
UNION MEMORIAL HOSPITAL

FOR the purpose of approving the application of Union Memorial Hospital to amend the Residential Planned Development approved by Ordinance 536, approved February 22, 1974, and amended by Ordinance 1113, approved December 5, 1983, known generally as the Union Memorial Hospital Planned Development; and to approve the amendment to the Development Plan submitted by the applicant SUBJECT TO CERTAIN CONDITIONS.

BY authority

Article 30 - Zoning

Sections 12.0-a and 12.0-2

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, By Ordinance 536, approved February 22, 1974, the application of Union Memorial Hospital to have the property within the following perimeters, beginning on the north side of 33rd Street with the southwest corner of 114 East 33rd Street, easterly to Guilford Avenue, northerly on the west side of Guilford Avenue to the southwest side of University Parkway, northwesterly to the east side of Calvert Street, southerly to a point on said east side of Calvert Street which is found by extending the southernmost property line of the Marylander Apartments and the northernmost property line of The Union Memorial Hospital parking garage property, east to the east side of Calvert Street, then westerly along said extension and property line to the east side of St. Paul Street, then southerly to the north side of 34th Street, then easterly to a point on the said

north side of 34th Street, which is found by extending the easternmost boundary of the alley behind the 3300 block St. Paul Street to the north side of 34th Street, then southerly along said extension and the easternmost boundary of said alley to the rear property lines of 110 and 112 East 33rd Street, then easterly along said property lines to the line of division between 112 and 114 East 33rd Street, then southerly along said division line to the place of beginning, excepting therefrom publicly owned streets and alleyways, as outlined on the plats accompanying the ordinance, designated a Residential Planned Development in accordance with Sections 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1976 Edition, as amended); and the Development Plan submitted by Union Memorial Hospital was approved; and

WHEREAS, By Ordinance 1113, approved December 5, 1983, the boundaries of the Planned Development were extended to include the properties known as 108 and 110 East 33rd Street, and the development plan was amended to permit construction of a Fitness Court on the site previously designated "Building G;" and to permit construction of three additional decks on the existing parking garage; and

WHEREAS, Union Memorial Hospital now wishes to construct a fourth additional deck on its parking garage; and

WHEREAS, On November 2, 1984, representatives of Union Memorial Hospital conferred with representatives of the Director of Planning, the designated officer of the Baltimore City Planning Commission to hold a pre-petition conference to explain the scope and nature of the proposed amendment to the Development Plan; and

WHEREAS, The representatives of Union Memorial Hospital hereby make formal application to the Baltimore City Council and submit the requisite amendment to the Development Plan, previously approved, which Plan includes those requirements specified in Sections 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1976 Edition, as amended); now, therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* the amendment to the Development Plan approved by Ordinance 536, approved February 22, 1974, and amended by Ordinance 1113, approved December 5, 1983, submitted by Union Memorial Hospital, attached hereto and made a part hereof, be and it is hereby approved.

SEC. 2. *And be it further ordained, That* upon passage of this ordinance by the City Council, as evidence of the authenticity of the amendment to the Development Plan which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the amendment to the Development Plan and when the Mayor approves the ordinance, he shall sign the amendment to the Development Plan. The director of Finance shall then transmit a copy of the ordinance to the Board of Municipal and Zoning Appeals, the Planning Commission and the Zoning Administrator.

SEC. 3. *AND BE IT FURTHER ORDAINED*, THAT FOR A PERIOD OF 5 YEARS FROM THE ENACTMENT OF THIS ORDINANCE NO ADDITIONAL PARKING DECKS SHALL BE PERMITTED TO BE ADDED TO THE EXISTING GARAGE STRUCTURE.

SEC. 4. *AND BE IT FURTHER ORDAINED*, THAT CONSTRUCTION OF THE FITNESS PARK SHALL BEGIN NO LATER THAN 60 DAYS AFTER THE LAST GARAGE DECK IS COMPLETED, OR NOT LATER THAN JULY 31, 1985.

SEC. 5. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 294

(Council No. 522)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary loan fund appropriation in the amount of Eight Hundred Twenty-five Thousand Dollars (\$825,000) to the Department of Housing and Community Development to be used for improvements to the Harbor Walk and Landscaping located in the Inner Harbor West Renewal Project.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pur-

suant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 7th day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Eight Hundred Twenty-five Thousand Dollars (\$825,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of improvements to the Harbor Walk and Landscaping located in the Inner Harbor West Renewal Project. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 295

(Council No. 523)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary loan fund appropriation in the amount of One Million One Hundred Seventy-Five Thousand Dollars (\$1,175,000) to the Department of Housing and Community Development to be used for improvements to the Jones Falls ~~Interim~~ Promenade and City Docks located in the lower Jones Falls area of the Inner Harbor East Renewal Project.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 7th day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Million One Hundred Seventy-five Thousand Dollars (\$1,175,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as

a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of improvements to the Jones Falls ~~Interim~~ Promenade and City Docks located in the lower Jones Falls area of the Inner Harbor East Renewal Project. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 296

(Council No. 524)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary loan fund appropriation in the amount of Five Hundred Fifty Thousand Dollars (\$550,000) to the Department of Public Works to be used for improvements necessary to close the completed Woodberry Quarry Landfill.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution II of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 118 approved June 21, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed One Million Dollars (\$1,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required

to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 31st day of October, 1984, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Five Hundred Fifty Thousand Dollars (\$550,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of improvements necessary to close the completed Woodberry Quarry Landfill. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained, That* this Ordinance shall take effect from the date of its passage.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 297

(Council No. 525)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary loan fund appropriation in the amount of One Hundred Fifty Thousand Dollars (\$150,000) to the Department of Public Works to be used for modification of the Northwest Transfer Station.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution II of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 118 approved June 21, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed One Million Dollars (\$1,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimates and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 31st day of October, 1984, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Hundred Fifty Thousand Dollars (\$150,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of modification of the Northwest

Transfer Station. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 298

(Council No. 526)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary loan fund appropriation in the amount of Three Hundred Thousand Dollars (\$300,000) to the Department of Public Works to be used for landscaping the demolition landfill located at the north end of the Hanover Street Bridge.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution II of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 118 approved June 21, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed One Million Dollars (\$1,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 31st day of October, 1984, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Three Hundred Thousand Dollars (\$300,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of landscaping the demolition landfill located at the north end of the Hanover Street Bridge. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained, That* this Ordinance shall take effect from the date of its passage.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 299

(Council No. 559)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary motor vehicle fund appropriation in the amount of Five Hundred Thousand Dollars (\$500,000) to the Department of Public Works to be used for replacement of deteriorated street light poles and conversion to sodium vapor lamps.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by State-shared Highway User Taxes in prior years in excess of the revenue from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary motor vehicle fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 21st day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Five Hundred Thousand Dollars (\$500,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary motor vehicle fund appropriation for the fiscal year ending June 30, 1985, for the purpose of replacement of deteriorated street light poles and conversion to sodium vapor lamps. The amount thus made available as a supplementary motor vehicle fund appropriation shall be expended from revenue derived from State-shared Highway User Taxes in prior years in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said State-shared Highway User Taxes shall be the source of revenue for this supplementary motor vehicle fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 300

(Council No. 560)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION –
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary motor vehicle fund appropriation in the amount of Ten Million Dollars (\$10,000,000) to the Department of Public Works to be used for rehabilitation and reconstruction of the Jones Falls Expressway from the northern city line to Chase Street.

BY authority of

Article VI – Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by State-shared Highway User Taxes in prior years in excess of the revenue from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary motor vehicle fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 21st day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of Ten Million Dollars (\$10,000,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary motor vehicle fund appropriation for the fiscal year ending June 30, 1985, for the purpose of rehabilitation and reconstruction of the Jones Falls Expressway from the northern city line to Chase Street. The amount thus made available as a supplementary motor vehicle fund appropriation shall be expended from revenue derived from State-shared Highway User Taxes in prior years in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said State-shared Highway User Taxes shall be the source of revenue for this supplementary general fund ap-

propriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 301

(Council No. 561)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary loan fund appropriation in the amount of Five Million Dollars (\$5,000,000) to the Department of Public Works to be used for rehabilitation and reconstruction of the Jones Falls Expressway from the northern city line to Chase Street.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution XII of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 117 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984, to borrow an amount not to exceed Ten Million Dollars (\$10,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 21st day of November, 1984, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 of the 1964 revision of the Charter of Baltimore City as amended, the sum of Five Million Dollars (\$5,000,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of rehabilitation and reconstruction of the Jones Falls Expressway from the northern city line to Chase Street. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated or relied upon by the Board of Estimates is determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 302

(Council No. 614)

AN ORDINANCE concerning

PARKING - RESERVED
WELDON PLACE SOUTH

FOR the purpose of providing for reserved parking on Weldon Place South for Ruth A. Sullivan.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the north side of Weldon Place South from a point 112' east of Weldon Place West to a point 134' east of Weldon Place West, parking is reserved for Ruth A. Sullivan.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 303

(Council No. 615)

AN ORDINANCE concerning

PARKING - RESERVED
APPEALS JUDGES

FOR the purpose of providing for reserved parking on St. Paul Street (Lower Level) and Holliday Street for certain judges.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the west side of St. Paul Street (Lower Level) from a point 164' north of Lexington Street to a point 206' north of Lexington Street, parking is reserved for Judges, Court Special Appeals, displaying a permit.

SEC. 2. *And be it further ordained*, That on the west side of Holliday Street from a point 230' north of Saratoga Street to a point 292' north of Saratoga Street, parking is reserved for Judges, Court of Appeals, displaying a permit.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 304

(Council No. 621)

AN ORDINANCE concerning

PARKING - RESERVED
5TH STREET

FOR the purpose of providing for reserved parking on the east side of 5th Street for Frank C. Coyne.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the east side of 5th Street, from a point 69' south of Doris Avenue to a point 91' south of Doris Avenue, parking is reserved for Frank C. Coyne, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 305

(Council No. 622)

AN ORDINANCE concerning

PARKING—RESERVED
MORLEY STREET

FOR the purpose of providing for reserved parking on Morley Street for Anita Brown.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That on Morley Street, north side, from a point 65' west of Hilton Street to a point 87' west of Hilton Street, parking is reserved for Anita Brown, displaying a permit.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 306

(Council No. 625)

AN ORDINANCE concerning

RESERVED PARKING—ST. PAUL STREET (LOWER LEVEL)
AND HOLLIDAY STREET

FOR the purpose of providing for reserved parking on the Lower Level of St. Paul Street and on Holliday Street for certain City officials.

BY repealing

Ordinance 185, approved July 11, 1968

Sections (29) and (30)

Ordinance 387, approved July 2, 1981

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Sections (29) and (30) of Ordinance 185, approved July 11, 1968 which read as follows are hereby repealed:*

[(29) St. Paul Street (Lower Level), westerly side, from a point 33 feet northerly from Lexington Street to a point 52 feet northerly from Lexington Street: 1 space reserved for State's Attorney, between the hours of 8 a.m. and 6 p.m.; from a point 52 feet northerly from Lexington Street to a point 95 feet northerly from Lexington Street: 2 spaces reserved for Sheriff's Office, between the hours of 8 a.m. and 6 p.m.

(30) St. Paul Street (Lower Level), westerly side, from a point 95 feet northerly from Lexington Street to the roadway north of Lexington Street: parking reserved between the hours of 8 a.m. and 6 p.m. for vehicles belonging to or operated by employees of the Workmen's Compensation Commission of the State of Maryland. Every such vehicle shall have affixed thereto a suitable card or other insignia issued by the Workmen's Compensation Commission and approved by the Commissioner of Transit and Traffic attesting to the right of such vehicle to be parked at such location under the provisions of this subsection.]

SEC. 2. *And be it further ordained*, That Ordinance 387, approved July 2, 1981, which provided as follows is hereby repealed:

"SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That on the west side of St. Paul Street (Lower Level) from a point 43 feet north of Lexington Street to a point 106 feet north of Lexington Street, parking is reserved between the hours of 8 a.m. and 6 p.m. for vehicles belonging to or operated by employees of the Sheriff's Office of Baltimore City and exhibiting a permit."

SEC. 3. *And be it further ordained*, That reserved parking is hereby provided at the following locations:

St. Paul Street (Lower Level) west side from a point 36' north of Lexington Street to a point 71' north of Lexington Street—parking is reserved for the State's Attorney displaying a permit.

St. Paul Street (Lower Level) west side from a point 71' north of Lexington Street to a point 164' north of Lexington Street—parking is reserved for vehicles of the Sheriff's Office displaying a permit.

St. Paul Street (Lower Level) west side from a point 206' north of Lexington Street to a point 237' north of Lexington Street—parking is reserved for vehicles of the Public Defenders' Office displaying a permit.

St. Paul Street (Lower Level) west side from a point 237' north of Lexington Street to a point 247' north of Lexington Street—parking is reserved for the Director of Urban Services displaying a permit.

Holliday Street, west side, from a point 39' north of Saratoga Street to a point 113' north of Saratoga Street—parking reserved for vehicles of the Public Defenders' Office displaying a permit.

SEC. 4. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 307

(Council No. 661)

AN ORDINANCE concerning

**INDUSTRIAL DEVELOPMENT REVENUE BONDS –
STEPHEN'S SQUARE PROJECT**

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its industrial development revenue bonds, to be designated "Baltimore City, Maryland Industrial Development Revenue Bonds (Stephen's Square Project)" (the "Bonds") in an aggregate principal amount not to exceed \$2,700,000, pursuant to the provisions of Sub-Section (50) of Article II of the Charter of Baltimore City (1964 Revision) as amended, in order to make the proceeds from the sale thereof available to Stephen's Square Limited Partnership, a Maryland limited partnership (the "Borrower") by making a direct loan to the Borrower, all for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with (a) the issuance and sale of the Bonds; (b) the acquisition, construction, reconstruction and rehabilitation of certain real property and the improvements located in Baltimore City; and (c) the acquisition and installation of certain machinery and equipment, said real property, improvements, machinery and equipment (the "Project") to be owned by the Borrower as a multi-family rental housing project to provide approximately 92 apartment units in Baltimore City, at least twenty percent (20%) (or at least fifteen percent (15%), if the Project is deemed to be a "Targeted Area Project") of which rental dwelling units shall, upon completion, be leased to persons having low or moderate income, in compliance with the requirements of Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, and the regulations promulgated thereunder, authorizing the City to loan the proceeds to the Borrower pursuant to a loan agreement between the City and the Borrower; authorizing Mayor of the City to accept, on behalf of the City, the Borrower's letter of intent dated January 15, 1985; making certain legislative findings; authorizing and empowering the Board of Finance of the City, prior to the issuance and delivery of such Bonds, to adopt a resolution pursuant to which the Board of Finance of the City shall (a) prescribe, among other things but not limited to, the form, terms, provisions, sources of payment, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such Bonds, and (b) do any and all things necessary, proper and expedient in connection with the issuance and sale of such Bonds; authorizing the sale of the Bonds by private (negotiated) or public (retail) sale; providing that the Borrower shall agree to submit certain plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with such acquisition, construction, reconstruction, rehabilitation and equipping of the Project; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such series of Bonds.

RECITALS

Sub-Section (50) of Article II of the Charter of Baltimore City (1964) Revision, as amended, (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City, contemplated by the Enabling Law, include (a) the relief of conditions of unemployment in Baltimore City, (b) promoting the health, welfare and safety of the residents of Baltimore City, and (c) promoting commercial and economic development in Baltimore City.

The City has received a letter of intent dated January 15, 1985 (the "Letter of Intent") from Stephen's Square Limited Partnership, a Maryland partnership (the "Borrower") pursuant to which the Borrower has requested that the City participate in the financing of the costs, charges, fees and expenses in connection with a certain project (hereinafter described and referred to as the "Project") by issuing and selling its industrial development revenue bonds in the aggregate principal amount not to exceed \$2,700,000 (the "Bonds") and loaning the proceeds from the sale thereof to the Borrower pursuant to a loan agreement (the "Loan Agreement").

The Project will consist of (a) the acquisition, construction, reconstruction and rehabilitation, so as to contain rental dwelling units, of certain real estate and those approximately 55 properties located at 14-20 N. Stricker (even numbers only), 1503-1535 W. Fairmount (except 1520 and 1534), 13-17 N. Gilmer (odd numbers only), 1408-1412 W. Baltimore (even numbers only), 1504-1512 W. Baltimore (even numbers only), 1521-1529 W. Baltimore (odd numbers only, excluding 1523 and 1525), 1415, 1417 and 1429 W. Fayette, 21 N. Calhoun and 21-23 N. Stricker (odd numbers only) in Baltimore City together with all existing improvements located therein, (b) the acquisition and installation of certain equipment and machinery that is necessary or deemed by the Borrower to be useful in connection with the operation of the Project and (c) the acquisition of such interests in land as may be necessary or desirable for the Project, together with roads, alleys, other rights of access, utilities and other necessary facilities. The Project will be owned by the Borrower. At least twenty percent (20%) of the rental units in the Project and in each noncontiguous portion of the Project (or at least fifteen percent (15%) if the Project is deemed to be a "targeted area project") are to be leased, upon completion, to persons having low or moderate income, in compliance with the requirements of Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, and the regulations promulgated thereunder.

The Loan Agreement will provide that payments by the Borrower shall be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds when and as the same shall be due and payable.

The Loan Agreement will require the Borrower to use the proceeds of the Bonds solely to finance the Project (except to the extent of amounts permitted hereunder and by the Loan Agreement to be expended for other purposes).

As security for the Bonds, the City may enter into a trust indenture (the "Indenture") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board of Finance") or an assignment agreement (the "Assignment") with the original purchaser of the Bonds (the "Purchaser") and a trustee (which may be the Purchaser) (the "Project Fund Trustee"). Pursuant to an Indenture or pursuant to the Assignment in the event that an Indenture is determined to be unnecessary, the City will assign to the Trustee or the Purchaser (among other things), (a) all of the City's right, title and interest in and to and remedies under any Loan Agreement or any regulatory agreement between the Borrower and the City relating to the tax exemption of interest on the Bonds (the "Regulatory Agreement") (excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself) including any and all collateral referred to therein, (b) the receipts and revenues of the City from any loan payments by the Borrower, (c) moneys which are at any time or from time to time on deposit with the Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds, by the City or by anyone on its behalf or with its written consent, to the Trustee, and (e) all of the City's right, title and interest in and to remedies under such other documents, including, without limitation, mortgages, deeds of trust, assignments, leases, guaranties and security agreements, as the Board of Finance shall deem appropriate or necessary to effectuate the issuance, sale and delivery of the Bonds and which the Board of Finance shall approve by resolution (the "Resolution") to be adopted by the Board of Finance prior to the issuance, sale and delivery of the Bonds.

The Bonds may be sold by private (negotiated) sale or by public (retail) sale subject to such terms and conditions as shall be approved by the Board of Finance, including the form of and the manner of execution and delivery of an official statement or other offering circular to be distributed in connection with a public offering of the Bonds or an information memorandum or other official informational document prepared in connection with a private placement of Bonds.

The Taxation and Finance Committee of the City Council held a public hearing, pursuant to notice published in a newspaper of general circulation in the City for the purpose of apprising affected residents of the City of the proposed issuance of the Bonds and allowing such residents to appear and be heard concerning the issuance of the Bonds and the location and nature of the Project. Mayor and City Council of Baltimore has determined following such public hearing that the issuance of the Bonds to finance the Project is in the public interest and for a public purpose and by this Ordinance has given its approval thereto.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(a) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof directly to the Borrower for the sole

and exclusive purpose of financing the issuance and sale of the Bonds and the costs of the Project will facilitate, enable and expedite the completion of the Project by the Borrower.

(b) The completion of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (i) sustaining jobs and employment in Baltimore City, (ii) promoting economic development in Baltimore City; and (iii) encouraging the increase of industry and a balanced economy in Baltimore City.

(c) Neither the Bonds nor the interest or premium (if any) thereon shall ever be general obligations of the City or constitute a pledge of or involve the faith and credit or the taxing powers of the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional or charter provision or statutory limitation, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the sources prescribed by the Board of Finance in the Resolution which may include loan repayments made by the Borrower, moneys derived from any collateral pledged under any document or security agreement executed and delivered in connection with issuance, sale and delivery of the Bonds, any moneys held from time to time by the Trustee (if one is appointed), including unexpended Bond proceeds and investment earnings thereon, and any other moneys made available to the City for such purpose. The proceeds of the Bonds of each series will be paid directly to the Trustee or to the Project Fund Trustee to be disbursed by the Trustee as provided in the Indenture or by the Project Fund Trustee as provided in the Assignment, either of which to be approved by the Board of Finance in the Resolution. Loan payments will be paid directly to the Trustee (or the holders of the Bonds in the event a Trustee is not appointed for such purpose) as provided in the Indenture or a Loan Agreement to be approved by the Board of Finance in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The transactions authorized hereunder shall in no event constitute capital projects within the meaning of any charter or statutory provisions. The public purposes expressed in the Enabling Law are to be achieved by facilitating, enabling and expediting the completion of the Project by the Borrower.

(d) The Board of Finance shall, in its discretion, provide in the Resolution for whatever form of security, if any, it deems appropriate in connection with the issuance, sale and delivery of the Bonds. It is contemplated that, if the proceeds of the Bonds are loaned to the Borrower, the City will acquire no interest in the Project other than (i) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, as applicable, (ii) the lien and security interest created by a deed of trust, if any, and by the Loan Agreement, as applicable, and (iii) any interest created by any other mortgage or

deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for a loan of the Bond proceeds as the Board of Finance may provide for and approve in the Resolution and that the security for the Bonds shall be solely and exclusively (iv) the absolute, irrevocable and unconditional obligation of the Borrower to make the payments required by the Loan Agreement, (v) moneys from the liquidation of the lien and security interest created by the deed of trust, if any, and the Loan Agreement, and of any other lien or security interest created with respect to any property as security for a loan of the Bond proceeds or the Bonds as the Board of Finance may provide for and approve in the Resolution, and (vi) moneys realized from any guaranty of the Bonds or of any such loan as the Board of Finance may provide for and approve in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time and from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Industrial Development Revenue Bonds (Stephen's Square Project), in the aggregate principal amount not to exceed \$2,700,000 subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement for the sole and exclusive purpose of financing the issuance and cost of the Bonds and the costs, charges, fees and expenses of the Project. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the sources prescribed by the Board of Finance in the Resolution which may include loan repayments by the Borrower on account of a loan by the City of the Bond proceeds, any moneys derived from any collateral pledged under any document or security agreement executed and delivered in connection with the issuance, sale and delivery of the Bonds, any moneys held from time to time by the Trustee, including unexpended Bond proceeds and investment earnings thereon, and any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That this ordinance constitutes the approval of the issuance of the Bonds and the commitment of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland, Industrial Development Revenue Bonds (Stephen's Square Project)", provided, that the descriptive title may contain such other descriptive information as the Board of Finance may prescribe in the Resolution (e.g. "Series A", or "1984 Series"). The Bonds shall bear interest at the rate or rates of interest to be approved and prescribed by the Board of Finance in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including the Trustee's Certificate of Authentication to be endorsed thereon, shall be in such form, not inconsistent with the

Enabling Law and the provisions of this Ordinance, as the Board of Finance may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. Any Loan Agreement, Indenture, Regulatory Agreement or any other document which the Board of Finance deems necessary or appropriate to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City (or such other officer as the Mayor shall lawfully designate for the purpose) by his manual signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board of Finance may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time or from time to time in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$2,700,000 as the Board of Finance shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts at such times not exceeding 42 years from the date thereof and at such place or places as the Board of Finance shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities upon such terms and conditions as the Board of Finance shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board of Finance shall adopt the Resolution pursuant to which the Board of Finance shall:

(a) prescribe the form, tenor, terms, sources of payment, provisions and conditions of and security for the Bonds;

(b) prescribe the actual amounts, rate or rates of interest (or the method of determining the same), denominations, date, actual maturity or maturities and the place or places of payment of the Bonds, and the terms and conditions and

details under which the Bonds may be called for redemption prior to their stated maturities;

(c) appoint a bank having trust powers, or a trust company, as Trustee for the Bonds (if a Trustee is to be appointed) and appoint a paying agent or agents for the Bonds, which may be the Trustee;

(d) approve the form and contents, and authorize the execution and delivery (where applicable) of any of the following documents: (i) a Loan Agreement, (ii) an Indenture, (iii) a Regulatory Agreement, (iv) any preliminary and final official statement or offering circular prepared in connection with the public sale of the Bonds or any offering memorandum or other official informational document prepared in connection with a private placement of the Bonds, and (v) such other documents as the Board of Finance shall deem appropriate or necessary in order to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds, legal expenses and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection therewith;

(g) provide for the issuance and sale (subject to the passage of an appropriate ordinance authorizing the same as may be required at the time) of one or more series of additional bonds and one or more series of refunding bonds; and

(h) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That any Loan Agreement, Indenture, Assignment, Regulatory Agreement or any official statement, offering circular or information memorandum prepared in connection with the sale of the Bonds shall contain such terms, provisions and conditions, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board of Finance shall approve in the Resolution.

SEC. 12. *And be it further ordained*, That, as authorized by the Enabling Law, the Bonds may be sold by private (negotiated) sale or by public (retail) sale upon such terms and conditions as shall be approved by the Board of Finance in the Resolution. The Board is hereby authorized:

(a) to consent to the use by representatives of the Borrower, any investment bankers or other firms acting as underwriters or placement agents or otherwise in regard to the sale of the Bonds, of (i) a preliminary and final official statement or offering circular in connection with any public offering of the Bonds, or (ii) an offering memorandum or other official informational document in connection with any private placement of the Bonds; and

(b) to execute and deliver any purchase agreement for the Bonds by and between the City and the underwriters or other purchasers of the Bonds consistent with, and subject to, the provisions of this Ordinance and the Enabling Law and to accomplish any and all actions necessary or deemed appropriate by the City officials to issue and deliver the Bonds to such underwriters or purchasers in accordance with the provisions of this Ordinance and any such purchase agreement.

SEC. 13. *And be it further ordained*, That the Bonds and the interest thereon shall not be general obligations of the City or constitute a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Maryland Constitution or any other constitutional or charter provision or statutory limitation, limiting or restricting the sale or issuance of bonds, notes, or other obligations of the City. The Bonds and the interest thereon shall not constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from and to the extent of sources prescribed by the Board of Finance in the Resolution which may include loan repayments made by the Borrower on account of a loan of the Bond proceeds by the City to such party, moneys derived from any collateral pledged under any document executed and delivered in connection with the issuance, sale and delivery of the Bonds, moneys held from time to time by the Trustee (if one is appointed), including unexpended Bond proceeds and investment earnings thereon, and from any other moneys made available to the City for such purpose. The proceeds of the Bonds and the payments to be made by the Borrower will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee as provided in the Indenture or by the Project Fund Trustee as provided in the Assignment to be approved by the Board of Finance in the Resolution. No such moneys will be commingled with the City's Funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

SEC. 14. *And be it further ordained*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the construction, reconstruction, rehabilitation and equipping of the Project to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) It and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality and design.

SEC. 15. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances,

such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances and the remaining provisions shall be construed so as to give practical realization to the public purposes intended to be achieved hereunder and the protection against pecuniary liability to be afforded to the City. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 16. *And be it further ordained*, That if the Bonds are not issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board of Finance may, after a showing of good cause at a public hearing held before the Board of Finance, extend such authorization for one additional term not to exceed six months. The Board of Finance, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council of the City.

SEC. 17. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 12, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 308

(Council No. 591)

AN ORDINANCE concerning

**CITY STREET—OPENING PORTIONS OF CAMDEN STREET
WITHIN THE INNER HARBOR WEST URBAN RENEWAL PROJECT.**

FOR the purpose of condemning and opening portions of Camden Street from Sharp Street, Westerly to Paca Street and lying within the area of the Inner Harbor West Urban Renewal Project in accordance with a plat thereof numbered 305-B-6, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-eighth (28th) day of November, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections - 2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open portions of Camden Street from Sharp Street, Westerly to Paca Street and lying within the area of the Inner Harbor West Urban Renewal Project the portions of the street hereby directed to be condemned for said opening being described as follows:

Sheet 1 of 3 comprises a 2 foot wide portion of Camden Street, 66 feet wide, contiguous to the north side thereof, and extending from Howard Street, 95 feet wide, North 86°-56'-10" East 298.3 feet, more or less, to Sharp Street, varying in width, and designated as Parcel No. 1.

Sheet 2 of 3 comprises a 5 foot wide portion of Camden Street, 66 feet wide, contiguous to the north side thereof and extending from Eutaw Street, as widened on the west side thereof from its former width of 82.5 feet wide to a width of 84 feet, North 86°-56'-10" East 331.98 feet to Howard Street, 95 feet wide, and designated as Parcel No. 1.

Sheet 3 of 3 comprises a portion of Camden Street, varying in width, contiguous to the north side thereof, and extending from Paca Street, 82.5 feet wide, Easterly 300.32 feet to Eutaw Street, as widened on the west side thereof from its former width of 82.5 feet wide to a width of 84 feet and designated as Parcel No. 1.

The said portions of Camden Street as directed to be condemned being delineated and particularly shown on a plat numbered 305-B-6 which was filed in the Office of the Department of Public Works on the Twenty-eight (28th) day of November, in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said portions of Camden Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 13, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 309

(Council No. 592)

AN ORDINANCE concerning

**CITY STREET—CLOSING PORTIONS OF CAMDEN STREET
WITHIN THE INNER HARBOR WEST URBAN RENEWAL PROJECT.**

FOR the purpose of condemning and closing portions of Camden Street from Sharp Street, Westerly to Paca Street and lying within the area of the Inner Harbor West Urban Renewal Project in accordance with a plat thereof numbered 305-B-6A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-eighth (28th) day of November, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close portions of Camden Street from Sharp Street, Westerly to Paca Street and lying within the area of the Inner Harbor West Urban Renewal Project the portions of the street hereby directed to be condemned for said closing being described as follows:

Sheet 1 of 3 comprises a 2 foot wide portion of Camden Street, 66 feet wide, contiguous to the north side thereof, and extending from Howard Street, 95 feet wide, North 86°-56'-10" East 298.3 feet, more or less, to Sharp Street, varying in width, and designated as Parcel No. 1.

Sheet 2 of 3 comprises a 5 foot wide portion of Camden Street, 66 feet wide, contiguous to the north side thereof and extending from Eutaw Street, as widened on the west side thereof from its former width of 82.5 feet wide to a width of 84 feet, North 86°-56'-10" East 331.98 feet to Howard Street, 95 feet wide, and designated as Parcel No. 1.

Sheet 3 of 3 comprises a portion of Camden Street, varying in width contiguous to the north side thereof, and extending from Paca Street, 82.5 feet wide, Easterly 300.32 feet to Eutaw Street, as widened on the west side thereof from its former width of 82.5 feet wide to a width of 84 feet and designated as Parcel No. 1.

The said portions of Camden Street as directed to be condemned being delineated and particularly shown on a plat numbered 305-B-6A which was filed in the Office of the Department of Public Works on the Twenty-eight (28th) day of November, in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the OWNER OR owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said portions of Camden Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 310

(Council No. 593)

AN ORDINANCE concerning

**CITY STREET-OPENING CERTAIN STREETS AND ALLEYS
OR PORTIONS THEREOF LYING WITHIN THE INNER HARBOR
PROJECT I URBAN RENEWAL PROJECT.**

FOR the purpose of condemning and opening (1) a portion of Calvert Street EXTENDING from Pratt Street, Northerly 290 feet, more or less, and (2) a 6.33 foot wide portion of South Street extending from Pratt Street, North 03°-38'-20" West 365 feet, more or less, in accordance with a plat thereof numbered 305-A-6, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-first (21st) day of November, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open certain streets and alleys or portions thereof lying within the Inner Harbor Project I Urban Renewal Project the streets and alleys or portions thereof hereby directed to be condemned for said opening being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Calvert Street, 74 feet wide, as laid out on a subdivision plat of Inner Harbor Project I and the north side of Pratt Street, varying in width, as laid out on said subdivision plat and running thence binding on the north side of said Pratt Street, South 87°-22'-45" West 6.25 feet to intersect a line drawn parallel with and distant 6.25 feet westerly measured at right angles from the east side of said Calvert Street; thence binding reversely on said line so drawn, North 02°-37'-15" West 290 feet, more or less, to intersect the east side of Calvert Street, as laid out 60 feet wide; thence binding on the east side of last said Calvert Street, Southerly 271 feet, more or less, to intersect the line of the north side of Pratt Street, as condemned and closed in accordance with

Ordinance No. 835 approved June 12, 1970, if projected westerly; thence binding reversely on said line so projected, North $87^{\circ}-22'-45''$ East 3 feet, more or less, to intersect the east side of Calvert Street, mentioned firstly herein, and thence binding on the east side of Calvert Street, mentioned firstly herein, South $02^{\circ}-37'-15''$ East 19 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Pratt Street, varying in width, as laid out on a subdivision plat of Inner Harbor Project I and the west side of South Street, 60 feet wide, and running thence binding on the west side of said South Street, North $03^{\circ}-38'-20''$ West 364.63 feet to intersect a line drawn parallel with and distant 5.50 feet northerly measured at right angles from the south side of Lombard Street, 90 feet wide, as laid out on said subdivision plat; thence binding on said line so drawn, North $87^{\circ}-03'-55''$ East 6.33 feet to intersect a line drawn parallel with and distant 6.33 feet easterly measured at right angles from the first line of this description; thence binding reversely on last said line so drawn, South $03^{\circ}-38'-20''$ East 364.67 feet to intersect the north side of said Pratt Street and thence binding on the north side of said Pratt Street, South $87^{\circ}-22'-45''$ West 6.33 feet to the place of beginning.

the said portions of Calvert Street and South Street as directed to be condemned being delineated and particularly shown on a plat numbered 305-A-6 which was filed in the Office of the Department of Public Works on the Twenty-first (21st) day of November in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said portions of Calvert Street and South Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 311

(Council No. 594)

AN ORDINANCE concerning

CITY STREET—CLOSING CERTAIN STREETS AND ALLEYS
OR PORTIONS THEREOF LYING WITHIN THE INNER HARBOR
PROJECT I URBAN RENEWAL PROJECT.

FOR the purpose of condemning and closing (1) a 6.25 foot wide portion of Calvert Street extending from Pratt Street, North 02°-37'-15" West 363 feet, more or less, (2) a 6.33 foot wide portion of South Street extending from Pratt Street, North 03°-38'-20" West 365 feet, more or less, and (3) a 5.50 foot wide portion of Lombard Street extending from Calvert Street Easterly to South Street in accordance with a plat thereof numbered 305-A-6A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-first (21st) day of November, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close certain streets and alleys or portions thereof lying within the Inner Harbor Project I Urban Renewal Project the streets and alleys or portions thereof hereby directed to be condemned for said closing being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the north side of Pratt Street, varying in width, and the east side of Calvert Street, 74 feet wide, and running thence binding on the east side of said Calvert Street, North 02°-37'-15" West 362.85 feet to intersect a line drawn parallel with and distant 5.50 feet northerly measured at right angles from the south side of Lombard Street, 90 feet wide; thence binding on said line so drawn, South 87°-03'-55" West 6.25 feet to intersect a line drawn parallel with and distant 6.25 feet westerly measured at right angles from the first line of this description; thence binding reversely on said line so drawn, South 02°-37'-15" East 362.82 feet to intersect the north side of said Pratt Street and thence binding on the north side of said Pratt Street, North 87°-22'-45" East 6.25 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the north side of Pratt Street, varying in width, and the west side of South Street, 60 feet wide, and running thence binding on the west side of said South Street, North 03°-38'-20" West 364.63 feet to intersect a line drawn parallel with and distant 5.50 feet northerly measured at right angles from the south side of

Lombard Street, 90 feet wide; thence binding on said line so drawn, North $87^{\circ}-03'-55''$ East 6.33 feet to intersect a line drawn parallel with and distant 6.33 feet easterly measured at right angles from the first line of this description; thence binding reversely on said line so drawn, South $03^{\circ}-38'-20''$ East 364.67 feet to intersect the north side of said Pratt Street and thence binding on the north side of said Pratt Street, South $87^{\circ}-22'-45''$ West 6.33 feet to the place of beginning.

Beginning for Parcel No. 3 at the point formed by the intersection of the south side of Lombard Street, 90 feet wide and the east side of Calvert Street, 74 feet wide, and running thence binding on the east side of said Calvert Street, North $02^{\circ}-37'-15''$ West 5.50 feet to intersect a line drawn parallel with and distant 5.50 feet northerly measured at right angles from the south side of said Lombard Street; thence binding on said line so drawn, North $87^{\circ}-03'-55''$ East 314.32 feet to intersect the west side of South Street, 60 feet wide; thence binding on the west side of said South Street, South $03^{\circ}-38'-20''$ East 5.50 feet to intersect the south side of said Lombard Street and thence binding on the south side of said Lombard Street, South $87^{\circ}-03'-55''$ West 314.42 feet to the place of beginning.

the said portions of Calvert Street, South Street and Lombard Street as directed to be condemned being delineated and particularly shown on a plat numbered 305-A-6A which was filed in the Office of the Department of Public Works on the Twenty-first (21st) day of November in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highways or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said portions of Calvert Street, South Street and Lombard Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 312

(Council No. 595)

AN ORDINANCE concerning

CITY PROPERTY—SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to that certain parcel of land and improvements no longer needed for public purposes, known as 4008 White Avenue, Baltimore City, Maryland.

BY authority of
Article V—Comptroller
Section 5(b)
Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore City, Maryland, and known as

4008 White Avenue

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this Ordinance will take effect from the date of its passage.

Approved March 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 313

(Council No. 634)

AN ORDINANCE concerning

REVENUE BONDS—(CLASSIC BUILDING CO. PROJECT)

FOR the purpose of supplementing and amending Ordinance No. 200 of Mayor and City Council of Baltimore, approved by the Mayor on October 15, 1984, increasing the amount of revenue bonds authorized pursuant to Ordinance No. 200 to an aggregate principal amount not to exceed \$3,500,000, changing the borrower of the proceeds of the revenue bonds to Classic Apts. Limited Partnership, a limited partnership to be formed and organized under the laws of Maryland which will have the same general partners as Classic Building Co., pursuant to a letter from Classic Building Co. to the City dated January 10, 1985, describing the facility as comprised generally of the acquisition of two tracts of land located at 401 and 400-408 West Redwood Street in Baltimore, Maryland consisting of approximately eight thousand seven hundred (8,700) square feet of land with an existing seven (7) story masonry loft building containing approximately sixty-two thousand (62,000) square feet thereon and approximately ten thousand (10,000) square feet of land with an open air parking lot thereon, respectively, the renovation, reconstruction and conversion of such building, the acquisition and installation in such building of such furniture, fixtures, machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation by Classic Apts. Limited Partnership of the facility for use primarily as a residen-

tial rental project of which at least ~~twenty percent (20%)~~ FIFTEEN PERCENT (15%) of the units are to be occupied by persons having a low or moderate income for the purposes of Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, with incidental and complimentary commercial and retail space, and the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, and authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated November 26, 1984, all further to accomplish the legislative policy contemplated by the Enabling Law which includes the relief of conditions of unemployment in Baltimore City and the State of Maryland, encouraging the increase of industry and a balanced economy in Baltimore City and the State of Maryland, promoting economic development in Baltimore City and the State of Maryland, and promoting the health, welfare and safety of the residents of Baltimore City and the State of Maryland.

By repealing and re-enacting, with amendments, the Purpose Clause of Ordinance No. 200 of Mayor and City Council of Baltimore, approved by the Mayor on October 15, 1984.

By repealing and re-enacting, with amendments, the Recitals of Ordinance No. 200 of Mayor and City Council of Baltimore, approved by the Mayor on October 15, 1984.

By repealing and re-enacting, with amendments, Section 2 of Ordinance No. 200 of Mayor and City Council of Baltimore, approved by the Mayor on October 15, 1984.

RECITALS

WHEREAS, Mayor and City Council of Baltimore (the "City"), by Ordinance No. 200 of the City, approved by the Mayor on October 15, 1984 (the "Ordinance"), authorized and empowered the City to issue and sell, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its revenue bonds, in the aggregate principal amount not exceeding \$3,000,000 pursuant to the provisions of Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended, for the purpose of financing the costs of the Classic Building Co. Project consisting of (i) the acquisition of two tracts of land located at 401 and 400-408 W. Redwood St., in the City of Baltimore, Maryland, consisting of a seven-story masonry loft building containing approximately nineteen thousand (19,000) square foot and open parking lot, respectively, (ii) the renovation of such building for use as office and commercial type facilities and other uses related thereto; (iii) the acquisition, construction and installation in such building of such machinery and equipment, and such other improvements, as may be necessary or useful in connection with the operation thereof, and (iv) the acquisition of such other interests in land (including by way of example rather than of limitation, roads, rights of access, utilities and other appropriate site preparation facilities) as may be necessary or suitable for the foregoing purposes; and

WHEREAS, the City has been advised by Classic Building Co. the amount of Bonds authorized is increased to an aggregate principal amount not to exceed \$3,500,000, in the Purpose Clause of the Ordinance; and

WHEREAS, the City has been advised by Classic Building Co. that a correction is required, to describe the facility as comprised generally of the acquisition of two tracts of land located at 401 and 400-408 West Redwood Street in Baltimore, Maryland consisting of approximately eight thousand seven hundred (8,700) square feet of land with an existing seven (7) story masonry loft building containing approximately sixty-two thousand (62,000) square feet thereon and approximately ten thousand (10,000) square feet of land with an open air parking lot thereon, respectively, renovation, reconstruction and conversion of such building, the acquisition and installation in such building of such furniture, fixtures, machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation by Classic Apts. Limited Partnership of the facility for use primarily as a residential rental project of which at least ~~twenty percent (20%)~~ FIFTEEN PERCENT (15%) of the units are to be occupied by persons having a low or moderate income for the purposes of Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, with incidental and complimentary commercial and retail space, and the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, in the Purpose Clause of the Ordinance; and

WHEREAS, the City has been advised by Classic Building Co. that a technical correction is required, to authorize the Mayor of the City, on behalf of the City, to accept the letter of intent dated November 26, 1984 (hereinafter referred to as the "Letter of Intent"), in paragraph 2 of the Recitals of the Ordinance; and

WHEREAS, the City has been advised by Classic Building Co. that a correction is required, to change the Borrower to Classic Apts. Limited Partnership, a limited partnership to be formed and organized under the laws of Maryland which will have the same general partners as Classic Building Co., pursuant to a letter from Classic Building Co. to the City dated January 10, 1985, in paragraph 2 of the Recitals of the Ordinance; and

WHEREAS, the City has been advised by Classic Building Co. that a correction is required, to increase the amount of the Bonds authorized pursuant to Ordinance No. 200 to an aggregate principal amount not to exceed \$3,500,000, in paragraph 2 of the Recitals of the Ordinance; and

WHEREAS, the City has been advised by Classic Building Co. that a technical correction is required, to describe the Project as comprised generally of the acquisition of two tracts of land located at 401 and 400-408 West Redwood Street in Baltimore, Maryland consisting of approximately eight thousand seven hundred (8,700) square feet of land with an existing seven (7) story masonry loft building containing approximately sixty-two thousand (62,000) square feet thereon and approximately ten thousand (10,000) square feet of land with an open air parking lot thereon, respectively, the renovation, reconstruction and conversion of such building, the acquisition and installation in such building of such furniture, fixtures, machinery and equipment, and any or all other improvements therein as may be necessary or useful in connection with the operation by Classic Apts. Limited Partnership of the project for use primarily as a residential rental project of which at least ~~twenty percent (20%)~~ FIFTEEN PERCENT (15%) of the units are to be occupied by persons having a low or

moderate income for the purpose of Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, with incidental and complimentary commercial and retail space, and the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, in paragraph 3 of the Recitals of the Ordinance; and

WHEREAS, the City has been advised by Classic Building Co. that a correction is required, to change the use of the facility to primarily residential rental, in paragraph 3 of the Recitals of the Ordinance; and

WHEREAS, the City has been advised by Classic Building Co. that the amount of Bonds authorized is increased to an aggregate principal amount not to exceed \$3,500,000, in Section 2 of the Ordinance;

WHEREAS, the City has determined, based on the findings and determinations set forth below, that the issuance and sale of the Bonds by the City pursuant to the provisions of Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended (hereinafter referred to as the "Enabling Law"), and the completion of the Project and the financing thereof as provided in the Ordinance, will promote the declared legislative purposes of the Enabling Law and are in the best interests of the citizens of Baltimore City, Maryland, and that in order to accomplish the public purposes of the Enabling Law and the Ordinance, it is in the best interests of the citizens of Baltimore, Maryland to make corrections in the Purposes Clause, in the second and third paragraphs of the Recitals Clause, and in Section 2 of Ordinance No. 200, changing the borrower of the proceeds of the revenue bonds to Classic Apts. Limited Partnership, a limited partnership to be formed and organized under the laws of Maryland which will have the same general partners as Classic Building Co., pursuant to a letter from Classic Building Co. to the City dated January 10, 1985, authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated November 26, 1984 pursuant to which the Borrower has requested the City to participate in financing the costs of the Project, increasing the amount of Bonds authorized to an aggregate principal amount not to exceed \$3,500,000, designating the use primarily as a residential rental project of which at least ~~twenty percent (20%)~~ FIFTEEN PERCENT (15%) of the units are to be occupied by persons having a low or moderate income for the purposes of Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, with incidental and complimentary commercial and retail space, and describing the Project as comprised generally of the acquisition of two tracts of land located at 401 and 400-408 West Redwood Street in Baltimore, Maryland consisting of approximately eight thousand seven hundred (8,700) square feet of land with an existing seven (7) story masonry loft building containing approximately sixty-two thousand (62,000) square feet thereon and approximately ten thousand (10,000) square feet of land with an open air parking lot thereon, respectively, the renovation, reconstruction and conversion of such building, the acquisition and installation in such building of such furniture, fixtures, machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation by Classic Apts. Limited Partnership of the Project for use primarily as a residential rental project of which at least ~~twenty percent (20%)~~ FIFTEEN PERCENT (15%) of the units are to be occupied by persons having a low or

moderate income for the purpose of Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, with incidental and complimentary commercial and retail space, and the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Ordinance as amended by this ordinance for the sole and exclusive purposes of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by Classic Apts. Limited Partnership pursuant to and in accordance with the provisions of the Ordinance, as amended by this ordinance, will serve further to accomplish the legislative policy contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City and the State of Maryland, (b) promoting economic development in Baltimore City and the State of Maryland, and (c) encouraging the increase of industry and a balanced economy in Baltimore City and the State of Maryland.

SEC. 2. *And be it further ordained*, That the Purpose Clause of the Ordinance is hereby repealed, amended, and re-enacted as follows:

For the purpose of (a) authorizing and empowering the Mayor and the City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its revenue bonds in an aggregate principal amount not exceeding [\$3,000,000] \$3,500,000 pursuant to the provisions of Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended, for the purpose of financing the costs of the [Classic Building Co.] *Classic Apts. Limited Partnership* Project consisting of [(i) the acquisition of two tracts of land located at 401 and 400-408 W. Redwood St., in the City of Baltimore, Maryland, consisting of a seven-story masonry loft building containing approximately nineteen thousand (19,000) square foot and open parking lot, respectively, (ii) the renovation of such building for use as office and commercial type facilities and other uses related thereto; (iii) the acquisition, construction and installation in such building of such machinery and equipment, and such other improvements, as may be necessary or useful in connection with the operation thereof, and (iv) the acquisition of such other interests in land (including, by way of example rather than of limitation, roads, rights of access, utilities and other appropriate site preparation facilities) as may be necessary or suitable for the foregoing purposes;] (i) the acquisition of two tracts of land located at 401 and 400-408 West Redwood Street in Baltimore, Maryland consisting of approximately eight thousand seven hundred (8,700) square feet of land with an existing seven (7) story masonry loft building containing approximately sixty-two thousand (62,000) square feet thereon and approximately ten thousand (10,000) square feet of land with an open parking lot thereon, respectively, (ii) the renovation, reconstruction and conversion of such

building, (iii) the acquisition and installation in such building of such furniture, fixtures, machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation by Classic Apts. Limited Partnership of the facility for use primarily as a residential rental project of which at least ~~twenty percent (20%)~~ **FIFTEEN PERCENT (15%)** of the units are to be occupied by persons having a low or moderate income for the purposes of Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, with incidental and complimentary commercial and retail space, and (iv) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; (b) making certain legislative findings; (c) authorizing and empowering the City's Board of Finance by one or more resolutions to effectuate the issuance, sale and delivery of any series of such bonds[.]; (d) authorizing the Board to adopt one or more supplemental resolutions for certain purposes; (e) authorizing the issuance of notes in anticipation of the issuance of such bonds.

SEC. 3. *And be it further ordained*, That the Recitals Clause of the Ordinance is hereby repealed, amended, and re-enacted as follows:

Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended (hereinafter referred to as the "Enabling Law"), empowers the Mayor and City Council of Baltimore (herein referred to as the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable and payable, as to both principal and interest, solely from and secured by a pledge of any one or more of (a) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (b) the revenues from or arising in connection with any contracts, mortgages or other securities, purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations. The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in the City of Baltimore, Maryland, encouraging the increase of industry and a balanced economy therein, promoting economic development therein, and promoting the health, welfare and safety of the residents thereof.

The City has received a letter of intent dated [August 7, 1984] *November 26, 1984*, (hereinafter referred to as the "Letter of Intent") from Classic Building Co., a general partnership created under the laws of the State of Maryland [(hereinafter referred to as the "Borrower")], pursuant to which [the Borrower] it has requested the City to participate in financing the costs of a certain project in the City of Baltimore, Maryland (hereinafter referred to as the "Project"), by issuing and selling the City's revenues bonds in an aggregate principal sum not exceeding [\$3,000,000] *\$3,500,000* (hereinafter referred to as "the Bonds"), and by making the proceeds of the Bonds available to [the Borrower] *Classic Apts. Limited Partnership* (hereinafter referred to as the "Borrower"), a limited partnership to be created under the laws of the State of Maryland which will have the

same general partners as Classic Building Co., pursuant to a letter from Classic Building Co. to the City dated January 10, 1984, to be used by [it] the Borrower for the purpose of financing the costs of the acquisition of the Project.

The Project will be comprised generally of [(a) the acquisition of two tracts of land located at 401 and 400-408 W. Redwood St., in the City of Baltimore, Maryland, consisting of a seven-story masonry loft building containing approximately nineteen thousand (19,000) square foot and open parking lot, respectively, (b) the renovation of such building for use as office and commercial type facilities and other uses related thereto; (c) the acquisition, construction and installation in such building of such machinery and equipment, and such other improvements, as may be necessary or useful in connection with the operation thereof, and (d) the acquisition of such other interests in land (including, by way of example rather than of limitation, roads, rights of access, utilities and other appropriate site preparation facilities) as may be necessary or suitable for the foregoing purposes] *(a) the acquisition of two tracts of land located at 401 and 400-408 West Redwood Street in Baltimore, Maryland consisting of approximately eight thousand seven hundred (8,700) square feet of land with an existing seven (7) story masonry loft building containing approximately sixty-two thousand (62,000) square feet thereon and approximately ten thousand (10,000) square feet of land with an open air parking lot thereon, respectively, (b) the renovation, reconstruction and conversion of such building, (c) the acquisition and installation in such building of such furniture, fixtures, machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation by Classic Apts. Limited Partnership of the Project for use primarily as a residential rental project of which at least ~~twenty percent (20%)~~ FIFTEEN PERCENT (15%) of the units are to be occupied by persons having a low or moderate income for the purposes of Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, with incidental and complimentary commercial and retail space, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. The Project will be owned by the Borrower and leased to one or more tenants for the use described in [(b)] (c) above. The identities of the tenants have not yet been determined.*

The Enabling Law provides that the City may authorize and empower the City's Board of Finance (herein referred to as "the Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling the Bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

SEC. 4. *And be it further ordained, That Section 2 of the Ordinance is hereby repealed, amended, and re-enacted and a new Section 2 is hereby added as follows:*

SEC. 2. *And be it further ordained, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its*

revenue bonds in an aggregate principal sum not exceeding [\$3,000,000] \$3,500,000, subject to the provisions of this Ordinance. The proceeds of the Bonds shall be made available to the Borrower under terms and conditions approved by the Board and set forth in a resolution, and shall be used by the Borrower for the purpose of financing the costs of the acquisition of the Project.

SEC. 5. *And be it ordained*, That this Ordinance shall take effect from the date of its approval by the Mayor of the City.

Approved March 15, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 314

(Council No. 514)

AN ORDINANCE concerning

**ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - 3300-3302 W. FOREST PARK AVENUE**

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the properties known as 3300-3302 W. Forest Park Avenue, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 4.5-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the properties known as 3300-3302 W. Forest Park Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.5-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved March 14, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 315

(Council No. 544)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - 1222 ETTING STREET

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property known as 1222 Etting Street, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 4.8-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property known as 1222 Etting Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 14, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 316

(Council No. 430)

AN ORDINANCE concerning

URBAN RENEWAL - PENN-NORTH TRANSIT STATION -
AMENDMENT NO. 2

FOR the purpose of amending the Urban Renewal Plan for Penn-North Transit Station to: (1) EXPAND THE PROJECT BOUNDARIES TO INCLUDE 2303-2309 DRUID HILL AVENUE; (2) authorize the acquisition of ~~certain properties~~ 2519-23 PENNSYLVANIA AVENUE by the Mayor and City Council of Baltimore, ~~(2)~~ (3) RECOMMEND THE CLOSING OF THE 15 FOOT ALLEY BETWEEN 2509-17 AND 2519-23 PENNSYLVANIA AVENUE; (4) PROVIDE THAT THE PROCEDURES FOR THE CLOSING OF SAID ALLEY WILL BE REGULATED BY APPLICABLE LAWS AND REGULATIONS; (5) CREATE TWO NEW DISPOSITION LOTS FOR COMMUNITY BUSINESS AND PUBLIC RIGHT-OF-WAY USE; (6) PROVIDE STANDARDS AND CONTROLS FOR THE DISPOSITION LOT FOR COMMUNITY BUSINESS USE; (7) REVISE CERTAIN EXHIBITS ATTACHED TO THE URBAN RENEWAL PLAN TO REFLECT THE CHANGES PROPOSED IN AMENDMENT NO. 2; (8) waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended) which the Renewal Plan for Penn-North Transit Station may not meet; ~~(3)~~ (9) provide for the separability of the various parts and applications of this ordinance, ~~(4)~~ (10) provide that where the provisions of this ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and ~~(5)~~ (11) provide for an effective date thereof.

WHEREAS, An Urban Renewal Plan for Penn-North Transit Station was first approved by the Mayor and City Council of Baltimore by Ordinance No. 817, dated July 10, 1978, and last amended by Ordinance No. 159 dated June 29, 1984, and

WHEREAS, Pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the ~~preparation of such change or changes by the Department of Housing~~ APPROVAL OF A RENEWAL PLAN, NAMELY ~~and Community Development; the approval of such change or changes by the Director of the Department of Planning; and~~ approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13, and

WHEREAS, A list of changes to the Urban Renewal Plan for Penn-North Transit Station identified as "Amendment No. 2 to the Urban Renewal Plan for Penn-North Transit Station, dated September 13, 1984" has been prepared; and

WHEREAS, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 25(H) OF SAID ARTICLE 13, WHEN A COUNCILMEMBER INITIATES AN AMENDMENT TO AN EXISTING RENEWAL PLAN, SUCH BILL SHALL BE SENT TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AND TO THE PLANNING COMMISSION FOR RECOMMENDATION AND REPORT; AND

WHEREAS, EXTENSIVE CHANGES IN THE URBAN RENEWAL PLAN MAKE IT INFEASIBLE TO MAKE LINE-BY-LINE CHANGES; THEREFORE, AN AMENDED URBAN RENEWAL PLAN FOR PENN-NORTH TRANSIT STATION HAS BEEN PREPARED; NOW, THEREFORE

WHEREAS, Said Amendment No. 2 to the Renewal Plan for Penn-North Transit Station has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan; its conformity to the rules and regulations for subdivisions; and all zoning changes proposed in the amended Renewal Plan; and said Amendment No. 2 to the Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore;

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That the following amendment and changes to the Renewal Plan for Penn-North Transit Station; THE AMENDED URBAN RENEWAL PLAN FOR THE PENN-NORTH TRANSIT STATION, IDENTIFIED AS 'URBAN RENEWAL PLAN, PENN-NORTH TRANSIT STATION URBAN RENEWAL AREA . . . REVISED TO INCLUDE AMENDMENT NO. 2, DATED SEPTEMBER 13, 1984 AND FURTHER REVISED OCTOBER 22, 1984', having been duly reviewed and considered, are* IS hereby approved, and the Clerk of the City Council is hereby directed to file a copy of said AMENDED Renewal Plan; *revised to include Amendment No. 2, dated September 13, 1984* with the Department of Legislative Reference as a permanent public record and make the same available for public inspection and information.

1. In the Table of Contents, page i., section entitled "Exhibits", delete the date from Exhibits 2 and 3, and insert in lieu thereof "September 13, 1984".

2. Delete Exhibits 2 and 3 and insert in lieu thereof revised Exhibits 2 and 3.

SEC. 2. *AND BE IT FURTHER ORDAINED, THAT THE BOUNDARIES OF THE PENN-NORTH TRANSIT STATION URBAN RENEWAL AREA SHALL BE REVISED TO INCLUDE 2303-2309 DRUID HILL AVENUE; THEREFORE, SECTION 3 OF ORDINANCE 159, DATED JUNE 29, 1984 IS HEREBY AMENDED TO READ AS FOLLOWS:*

BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF THE SOUTHWESTERN RIGHT-OF-WAY LINE OF PENNSYLVANIA AVENUE, THE CENTER LINE OF NORTH AVENUE, THENCE RUNNING IN A SOUTHEASTERLY DIRECTION, AND BINDING ON THE SOUTHWESTERN RIGHT-OF-WAY LINE OF SAID PENN-

SYLVANIA AVENUE, CROSSING CUMBERLAND STREET, TO A POINT OF INTERSECTION WITH THE SOUTHEASTERN BOUNDARY OF LOT 22/24, BLOCK 297; THENCE RUNNING IN A SOUTHWESTERLY DIRECTION, BINDING ON THE SOUTHEASTERN BOUNDARY OF LOT 22/24 THROUGH 28, TO A POINT OF INTERSECTION WITH THE SOUTHWESTERN BOUNDARY OF LOT 28, BLOCK 297; THENCE RUNNING IN A NORTHWESTERLY DIRECTION, ON THE SOUTHWESTERN BOUNDARY OF SAID LOT 28, TO A POINT OF INTERSECTION WITH THE NORTHWESTERN RIGHT-OF-WAY LINE OF CUMBERLAND STREET; THENCE RUNNING IN A SOUTHWESTERLY DIRECTION, BINDING ON THE NORTHWESTERN RIGHT-OF-WAY LINE OF CUMBERLAND STREET, CROSSING CAREY STREET, TO A POINT OF INTERSECTION WITH THE SOUTHWESTERN BOUNDARY OF LOT 55, BLOCK 293; THENCE RUNNING IN A NORTHWESTERLY DIRECTION BINDING ON THE SOUTHWESTERN BOUNDARY OF SAID LOT 55 TO A POINT OF INTERSECTION WITH THE NORTHWESTERN BOUNDARY OF SAID LOT 55; THENCE RUNNING IN A NORTHEASTERLY DIRECTION, BINDING ON THE NORTHWESTERN BOUNDARY OF SAID LOT 55, TO A POINT OF INTERSECTION WITH AN EXTENDED STRAIGHT LINE OF THE NORTHEASTERN RIGHT-OF-WAY OF A 3'9" ALLEY; THENCE RUNNING IN A NORTHWESTERLY DIRECTION, BINDING ON THE NORTHEASTERN RIGHT-OF-WAY OF SAID 3'9" ALLEY, CROSSING ALLEGHENY PLACE, AND BINDING ON THE NORTHEASTERN RIGHT-OF-WAY LINE OF THE FIRST 10' ALLEY; THENCE RUNNING NORTHWESTERLY, NORTHEASTERLY, AND NORTHWESTERLY, BINDING ON THE NORTHEASTERN BOUNDARY OF SAID 10' ALLEY TO A POINT OF INTERSECTION WITH THE NORTHWESTERN RIGHT-OF-WAY LINE OF WESTWOOD AVENUE; THENCE RUNNING IN A SOUTHWESTERLY DIRECTION, BINDING ON THE NORTHWESTERN RIGHT-OF-WAY LINE OF WESTWOOD AVENUE, TO A POINT OF INTERSECTION WITH THE NORTHEASTERN RIGHT-OF-WAY LINE OF NORTH WOODYEAR STREET; THENCE RUNNING IN A NORTHWESTERLY AND NORTHERLY DIRECTION, BINDING ON THE NORTHEASTERN AND EASTERN RIGHT-OF-WAY LINE OF NORTH WOODYEAR STREET, CROSSING A 10' ALLEY TO A POINT OF INTERSECTION WITH THE CENTER LINE OF NORTH AVENUE; THENCE RUNNING IN A WESTERLY DIRECTION, BINDING ON THE CENTER LINE OF NORTH AVENUE TO INTERSECT THE CENTER LINE OF N. FULTON AVENUE; THENCE RUNNING IN A NORTHERLY AND NORTHEASTERLY DIRECTION, BINDING ON THE CENTER LINE OF N. FULTON AVENUE TO INTERSECT THE CENTER LINE OF DRUID HILL AVENUE; THENCE RUNNING IN A SOUTHERLY DIRECTION, BINDING ON THE CENTER LINE OF DRUID HILL AVENUE TO INTERSECT THE CENTER LINE OF CLOVERDALE ROAD; THENCE RUNNING IN A NORTHEASTERLY DIRECTION ON THE CENTER LINE OF CLOVERDALE ROAD TO INTERSECT THE SOUTHWEST SIDE OF MADISON AVENUE; THENCE RUNNING IN A SOUTHERLY DIRECTION ON THE SOUTHWEST SIDE OF MADISON AVENUE TO INTERSECT THE NORTH SIDE OF HENDLER LANE; THENCE BINDING

ON THE NORTH SIDE OF HENDLER LANE SOUTHWESTERLY TO INTERSECT THE WEST SIDE OF TIFFANY ALLEY; THENCE RUNNING IN A SOUTHWESTERLY DIRECTION ON THE WEST SIDE OF TIFFANY ALLEY TO INTERSECT THE DIVISION LINE BETWEEN LOTS 41 AND 42, BLOCK 3422; THENCE RUNNING IN A SOUTHWESTERLY DIRECTION, BINDING ON SAID DIVISION LINE TO INTERSECT THE EAST SIDE OF McCULLOH STREET; THENCE RUNNING IN A SOUTHEASTERLY DIRECTION BINDING ON THE EAST SIDE OF McCULLOH STREET TO INTERSECT AN EXTENDED STRAIGHT LINE OF THE SOUTHERN RIGHT-OF-WAY OF A 10' ALLEY; *THENCE RUNNING IN A WESTERLY DIRECTION BINDING ON SAID EXTENDED STRAIGHT LINE AND THE SOUTH SIDE OF SAID 10 FOOT ALLEY WESTERLY 187 FEET, MORE OR LESS, AND CONTINUING IN A SOUTHWESTERLY DIRECTION 9 FEET, MORE OR LESS, ON A LINE FORMING THE SOUTH SIDE OF A 5' ALLEY; THENCE CONTINUING IN A NORTHERLY DIRECTION 5 FEET, MORE OR LESS, TO INTERSECT THE SOUTHERN PROPERTY LINE OF LOT 18, BLOCK 3415; THENCE BINDING ON SAID SOUTHERN PROPERTY LINE AND ITS EXTENSION IN A STRAIGHT LINE SOUTHWESTERLY TO INTERSECT THE WEST SIDE OF DRUID HILL AVENUE; THENCE BINDING ON THE WEST SIDE OF DRUID HILL AVENUE NORTHERLY AND NORTHWESTERLY [THENCE RUNNING IN A WESTERLY DIRECTION BINDING ON THE SOUTHWEST SIDE OF SAID 10' ALLEY TO INTERSECT AN EXTENSION OF THE WEST SIDE OF THE SECOND WESTERNMOST 10' ALLEY; THENCE RUNNING NORTHERLY ON THE WEST SIDE OF SAID 10' ALLEY TO INTERSECT THE CENTER LINE OF CLENDENIN AVENUE; THENCE BINDING ON THE CENTER LINE OF CLENDENIN AVENUE IN A SOUTHWESTERLY DIRECTION, CROSSING DRUID HILL AVENUE,] TO INTERSECT THE SOUTH SIDE OF A 15' ALLEY; THENCE BINDING ON THE SOUTH SIDE OF SAID 15' ALLEY IN A WESTERLY DIRECTION TO A POINT OF INTERSECTION WITH THE WESTERN BOUNDARY OF LOT 23, BLOCK 3414; THENCE RUNNING IN A SOUTHERLY DIRECTION, BINDING ON THE WESTERN BOUNDARY OF SAID LOT 23, TO A POINT OF INTERSECTION WITH THE CENTER LINE OF NORTH AVENUE; THENCE RUNNING IN A WESTERLY DIRECTION, BINDING ON THE CENTER LINE OF NORTH AVENUE, CROSSING DIVISION STREET AND WOODBROOK AVENUE TO THE POINT OF BEGINNING.*

SEC. 2 3. *And be it further ordained*, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof, together with all right, title, interest and estate that the owner or owners of said property interest may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland and described as follows:

2519-23 Pennsylvania Avenue

SEC. 3 4. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such

manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons, and in such manner as the Board of Estimates in the exercise of the power vested in it by Article V., Section 5 of the Baltimore City Charter may hereafter from time to time designate, is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

~~SEC. 4. And be it further ordained, That the boundaries of an existing disposition lot shall be modified, new disposition lots shall be created for community business, public and/or right-of-way use, and a pedestrian easement shall be provided, all as shown in the amended Urban Renewal Plan on Exhibit 3, Land Disposition Map, dated as revised May 1, 1984.~~

SEC. 5. AND BE IT FURTHER ORDAINED, THAT IT IS HEREBY RECOMMENDED THAT THE 15 FOOT ALLEY BETWEEN 2509-17 AND 2519-23 PENNSYLVANIA AVENUE BE CLOSED IN CONNECTION WITH THE PROPOSED DEVELOPMENT OF THESE TWO PROPERTIES.

SEC. 6. AND BE IT FURTHER ORDAINED, THAT THE PROCEEDINGS OF THE DEPARTMENT OF PUBLIC WORKS, WITH REFERENCE TO THE CLOSING OF SAID 15 FOOT ALLEY AND THE PROCEEDINGS AND RIGHTS OF ALL PARTIES INTERESTED OR AFFECTED THEREBY, SHALL BE REGULATED BY, AND BE IN ACCORDANCE WITH, ANY AND ALL APPLICABLE PROVISIONS OF ARTICLE 4 OF THE CODE OF PUBLIC LOCAL LAWS OF MARYLAND AND THE CHARTER OF BALTIMORE CITY (1964 REVISION) AS AMENDED TO JULY 1, 1973 AND ANY AND ALL AMENDMENTS THERETO, AND ANY AND ALL ORDINANCES OF THE MAYOR AND CITY COUNCIL OF BALTIMORE, AND ANY AND ALL RULES OR REGULATIONS IN EFFECT WHICH HAVE BEEN ADOPTED BY THE DIRECTOR OF PUBLIC WORKS AND FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE.

SEC. 7. AND BE IT FURTHER ORDAINED, THAT DISPOSITION LOT 2A FOR COMMUNITY BUSINESS USE SHALL BE CREATED FROM A PORTION OF 2519-23 PENNSYLVANIA AVENUE AND BY CLOSING THE 15 FOOT ALLEY BETWEEN 2509-17 AND 2519-23 PENNSYLVANIA AVENUE AND DISPOSITION LOT A FOR PUBLIC RIGHT-OF-WAY USE SHALL BE CREATED FROM THE REAR PORTION OF 2519-23 PENNSYLVANIA AVENUE - ALL AS SHOWN IN THE AMENDED URBAN RENEWAL PLAN ON EXHIBIT 3, LAND DISPOSITION MAP, DATED AS REVISED OCTOBER 22, 1984.

SEC. 8. *AND BE IT FURTHER ORDAINED*, THAT SAID DISPOSITION LOT 2A SHALL BE SUBJECT TO THE STANDARDS AND CONTROLS CONTAINED IN SECTION B.2.(a) OF THE AMENDED RENEWAL PLAN.

SEC 9. *AND BE IT FURTHER ORDAINED*, THAT EXHIBITS 1 THROUGH 4 TO THE URBAN RENEWAL PLAN SHALL BE DELETED AND THE FOLLOWING EXHIBITS, DATED AS REVISED OCTOBER 22, 1984, ARE HEREBY APPROVED; EXHIBIT 1—LAND USE PLAN, EXHIBIT 2—PROPERTY ACQUISITION, EXHIBIT 3—LAND DISPOSITION, AND EXHIBIT 4—ZONING DISTRICTS AND SHALL BE INCORPORATED INTO SAID AMENDED URBAN RENEWAL PLAN."

SEC. 5 10. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 6 11. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances, is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 7 12. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire and safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provisions of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 8 13. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 20, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 317

(Council No. 481)

AN ORDINANCE concerning

CITY PROPERTY - OPENING, WIDENING, GRADING, CONSTRUCTION
AND MAINTENANCE OF STAFFORD STREET FROM
CATON AVENUE TO PARKSLEY AVENUE

FOR the purpose of authorizing the acquisition by purchase or condemnation by the Mayor and City Council of Baltimore of the fee simple interests or such other interests as the Director of The Department of Public Works may deem necessary or sufficient, in and to certain pieces or parcels of land situate in Baltimore City, for highway purposes, namely for the opening, widening, grading, construction and maintenance of Stafford Street, extending from Caton Avenue Easterly 1,680 feet, more or less, to Parksley Avenue and authorizing the acquisition by purchase or condemnation of any property, rights, interests, easements and/or franchises necessary in the opening, widening, grading, construction and maintenance of said Stafford Street; and authorizing the making of all necessary agreements concerning said Stafford Street; and authorizing the construction of said Stafford Street; the location and course being shown on a plat thereof numbered 344-A-10A, prepared by the Surveys and Records Division and filed in the Office of the Director of The Department of Public Works on the Twenty-fourth (24th) day of September, 1984.

BY authority of

Article I - General Provisions

Section - 4

Article II - General Provisions

Section - 2

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That it is necessary to acquire by purchase or condemnation for public highway purposes, namely, for the opening, widening, grading, construction and maintenance of Stafford Street, extending from Caton Avenue Easterly 1,680 feet, more or less, to Parksley Avenue; the fee simple interests or such other interests as the Director of the Department of Public Works may deem necessary in and to the pieces or parcels of land, situate in Baltimore City, including the improvements thereon, bounded as follows:

Beginning for the same at the point formed by the intersection of the east side of Caton Avenue, as now laid out 50 feet wide, and the northeast side of Stafford Street, as realigned and widened from its former width of 33 feet to a varying width, and running thence binding on the northeast side of said Stafford Street by a line curving to the left with a radius of 10.00 feet the distance of 9.22 feet which arc is subtended by a chord bearing South 52°-18'-04.7" East 8.89 feet to intersect the north side of Stafford Street, as realigned and widened from its former width of 33 feet to a varying width; thence binding in

part on the north side of last said Stafford Street, in part on the north side of Stafford Street, as realigned and widened from its former width of 33 feet to a width of 36 feet, and in all, South $78^{\circ}-42'-01''$ East 180.29 feet to the westernmost face of the westernmost wall of the five story brick building situate on the property now or formerly owned by the Pittsburgh Plate Glass Company known as No. 3221 Frederick Avenue; thence binding along the westernmost face of said wall and on the east side of Stafford Street, as realigned and widened, South $00^{\circ}-25'-44''$ East 0.64 foot to intersect the north side of Stafford Street, as now laid out 33 feet wide; thence binding on the north side of last said Stafford Street, South $78^{\circ}-48'-30''$ East 732.88 feet to intersect the west side of Wellesley Street, as now laid out 31.97 feet wide; thence by a straight line, South $75^{\circ}-06'-34''$ East 33.19 feet to the point formed by the intersection of the north side of said Stafford Street, 33 feet wide, and the east side of said Wellesley Street; thence binding on the east side of said Wellesley Street, North $00^{\circ}-39'-30''$ West 2.47 feet to intersect the north side of Stafford Street, as realigned and widened from its former width of 33 feet to a width of 38 feet; thence binding on the north side of last said Stafford Street, South $77^{\circ}-41'-52''$ East 462.38 feet to intersect the west side of Longwood Street, as now laid out 64 feet wide; thence binding on the west side of said Longwood Street, South $00^{\circ}-41'-40''$ East 3.49 feet to intersect the north side of said Stafford Street, 33 feet wide; thence by a straight line North $76^{\circ}-00'-50''$ East 65.76 feet to the point formed by the intersection of the east side of said Longwood Street and the north side of Stafford Street, as now laid out varying in width; thence binding in part on the north side of last said Stafford Street, in part on the north side of Stafford Street as realigned and widened to a varying width, and in all, South $78^{\circ}-33'-53''$ East 200.78 feet to intersect the west side of Parksley Avenue, as now laid out 40 feet wide; thence binding on the west side of said Parksley Avenue, South $01^{\circ}-24'-15''$ West 5.96 feet to intersect the north side of Stafford Street, as now laid out varying in width; thence by a straight line, South $04^{\circ}-19'-48''$ West 39.59 feet to the point formed by the intersection of the west side of Parksley Avenue, as now laid out 50 feet wide, and the south side of last said Stafford Street, as now laid out varying in width; thence binding on the south side of last said Stafford Street, North $78^{\circ}-40'-16''$ West 196.63 feet to intersect the east side of Longwood Street, as now laid out 50 feet wide; thence by a straight line, South $82^{\circ}-47'-03''$ West 50.31 feet to the point formed by the intersection of the south side of Stafford Street, as now laid out 33 feet wide, and the west side of last said Longwood Street; thence binding on the west side of last said Longwood Street, South $00^{\circ}-46'-40''$ East 2.47 feet to intersect the southwest side of Stafford Street, as realigned and widened to a varying width; thence binding on the southwest side of last said Stafford Street, by a line curving to the left with a radius of 10.00 feet the distance of 4.17 feet which arc is subtended by a chord bearing North $65^{\circ}-45'-29.8''$ West 4.14 feet to intersect the south side of said Stafford Street, as realigned and widened to a width of 38 feet; thence binding on the south side of last said Stafford Street, North $77^{\circ}-41'-52''$ West 418.42 feet to the east side of the front porch of the two story frame house situate on the property now or formerly owned by Mace M. Cohen known as No. 3059 Stafford Street; thence binding on the east and north sides of said porch and on the west and south sides of Stafford Street, as realigned and widened from its former width of 33 feet to a varying width, the two following

courses and distances; namely, North $00^{\circ}-53'-34''$ West 0.38 foot and South $89^{\circ}-06'-26''$ West 1.60 feet to intersect the south side of said Stafford Street, as realigned and widened to a width of 38 feet; thence binding on the south side of last said Stafford Street, North $77^{\circ}-41'-52''$ West 47.86 feet to the south side of Stafford Street, as realigned and widened from its former width of 33 feet to a varying width; thence binding on the south side of last said Stafford Street, by a line curving to the left with a radius of 5.00 feet the distance of 4.60 feet which arc is subtended by a chord bearing South $75^{\circ}-57'-54.1''$ West 4.44 feet to intersect the east side of Wellesley Street, as now laid out 33 feet wide; thence by a straight line North $78^{\circ}-58'-54''$ West 33.70 feet to the point formed by the intersection of the west side of last said Wellesley Street and the south side of Stafford Street as realigned and widened from its former width of 33 feet to a varying width; thence binding on the south and southwest sides of last said Stafford Street the two following courses and distances; namely, South $89^{\circ}-09'-09''$ West 3.50 feet and by a line curving to the left with a radius of 5.00 feet the distance of 6.79 feet which arc is subtended by a chord bearing North $39^{\circ}-46'-26''$ West 6.28 feet to intersect the south side of said Stafford Street, as realigned and widened from its former width of 33 feet to a varying width; thence binding in part on the south side of last said Stafford Street, in part on the south side of said Stafford Street, as realigned and widened to a width of 36 feet, and in all, North $78^{\circ}-42'-01''$ West 810.19 feet to the west side of a 10 foot alley, laid out 100 feet easterly from said Caton Avenue; thence binding on the west side of said 10 feet alley, South $00^{\circ}-59'-40''$ East 3.72 feet to the beginning of the last line of the parcel of land conveyed by Arthur Leo Bedsaul and Wife to Henry H. Housman III by deed dated March 9, 1981 and recorded among the Land Records of Baltimore City in Liber S.E.B. No. 8, Folio 16; thence binding on part of the last line of said deed and on the south side of Stafford Street, as realigned and widened from its former width of 33 feet to a varying width, North $78^{\circ}-48'-30''$ West 100.21 feet to the southeast side of Stafford Street, as realigned and widened from its former width of 33 feet to a varying width; thence binding on the southeast side of last said Stafford Street, by a line curving to the left with a radius of 10.00 feet the distance of 3.10 feet which arc is subtended by a chord bearing South $40^{\circ}-33'-22.6''$ West 3.09 feet to intersect the east side of said Caton Avenue and thence binding on the east side of said Caton Avenue, North $00^{\circ}-59'-40''$ West 47.56 feet to the place of beginning.

Including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction and maintenance of said Stafford Street, the location and course of said Stafford Street being shown on a plat thereof numbered 344-A-10A, prepared by the Surveys and Records Division and filed in the Office of the Director of The Department of Public Works on the Twenty-fourth (24th) day of September, 1984.

Any mention or reference to any streets, roads, avenues, highways or alleys in this Ordinance or on the plat referred to herein are for the purpose of description only, and shall not be held or taken to be any evidence whatever that said streets, roads, avenues, highways, alleys or any of them, are public, dedicated or private thoroughfares.

SEC. 2. *And be it further ordained*, That the Director of The Department of Public Works or the person or persons the Board of Estimates of Baltimore City may hereafter from time to time designate, is or are hereby authorized to acquire on behalf of the Mayor and City Council of Baltimore, and for the purposes described in this Ordinance, the fee simple interests or such other interests as the said Director may deem necessary or sufficient, in and to said pieces or parcels of land and improvements thereupon, including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction and maintenance of said Stafford Street. If the said Director of The Department of Public Works, or person or persons the Board of Estimates of Baltimore City may designate are unable to agree with the owner or owners on the purchase price of any of the said pieces or parcels of land and improvements thereupon or for any of the said properties, rights, interests, easements and/or franchises, they shall forthwith notify the City Solicitor of Baltimore City who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interests or such other rights, interests, easements and/or franchises as the said Director may deem necessary or sufficient for the purposes of the Stafford Street Project.

SEC. 3. *And be it further ordained*, That the proceedings for the acquisition by condemnation of the property and rights herein described and the rights of all parties interested or affected thereby shall be regulated by and be in accordance with the provisions of The Real Property Article of the Annotated Code of Maryland (1974), Title 12, Section 101 Et. Seq. and any and all amendments thereto.

SEC. 4. *And be it further ordained*, That the said Director of The Department of Public Works or person or persons the Board of Estimates of Baltimore City may designate are also hereby authorized to negotiate for and to enter into in the name of the Mayor and City Council of Baltimore, any and all necessary agreements with the Federal and State Governments, or any of their agencies, and any other persons, firms or corporations, in aid of, in furtherance of, or in connection with said Stafford Street Project; all such acquisitions and agreements to be subject to the approval of the Board of Estimates.

SEC. 5. *And be it further ordained*, That after the necessary agreements have been made and the necessary properties, lands, rights, easements and/or franchises have been acquired as hereinbefore provided, the Director of The Department of Public Works of Baltimore City is hereby authorized and directed to construct or cause to be constructed the said Stafford Street Project, all in accordance with detailed plans hereafter to be prepared therefor and after said plans have been approved by the said Director of The Department of Public Works.

SEC. 6. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved March 20, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 318

(Council No. 578)

AN ORDINANCE concerning

**REZONING - 4203 FORDLEIGH RD
ZONING - APPROVAL FOR CONDITIONAL USE PARKING LOT -
4203 AND ADJOINING PROPERTY ON FORDLEIGH ROAD**

FOR the purpose of ~~changing the zoning for~~ GRANTING PERMISSION FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF AN OPEN OFF-STREET PARKING AREA ON the property known as 4203 Fordleigh Road and the property adjoining 4203 Fordleigh Road on the north-east and southeast ~~from the R-3 Zoning District to the M-1-1 Zoning District~~ as outlined in red on the AMENDED plats accompanying this ordinance.

BY ~~amending Zoning District Maps~~ AUTHORITY OF
Sheet No. 11
Article 30 - Zoning
SECTIONS 4.3-1D AND 11.0-6D
Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* ~~Sheet No. 11 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-3 Zoning District to the M-1-1 Zoning District~~ PERMISSION IS HEREBY GRANTED FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF AN OPEN OFF-STREET PARKING AREA ON the property known as 4203 Fordleigh Road and the property adjoining 4203 Fordleigh Road on the northeast and southeast as outlined in red on the AMENDED plats accompanying this ordinance.

SEC. 2. *And be it further ordained, That* upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained, That* this ordinance shall take effect on the 30th day from the date of its enactment.

Approved March 20, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 319

(Council No. 587)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - 1700 BLOCK E. NORTH AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the southern portion of the property located on the north side of the 1700 block of E. North Avenue, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 4.8-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the southern portion of the property located on the north side of the 1700 block of E. North Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 20, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 320

(Council No. 356)

AN ORDINANCE concerning

ETHICS

FOR the purpose of revising the Ethics Law; defining certain terms; clarifying certain language; providing for administrative procedures and that fees may be charged for certain services AND LATE FILINGS; PROVIDING THAT CERTAIN AGENCIES WILL PERFORM CERTAIN DUTIES; clarifying prohibited conflicts of interest that require disqualification; clarifying employment restrictions for employees and former employees; altering certain provisions relating to gifts; altering certain provisions relating to financial disclosure statements; altering certain monetary thresholds for financial disclosure and lobbying statements; revising provisions requiring registration as a lobbyist; repealing a certain criminal penalty, and generally relating to revising the Baltimore City Ethics Law.

BY adding to

Article 8—Ethics

Section(s)—3-6 ~~and 3-7~~, 3-7, 3-8, 3-9 AND 4-2(C)

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 8—Ethics

Section(s)—2-1(21) and 4-1

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing and reordaining with amendments

Article 8—Ethics

Section(s)—2-1(5), (9), (14) and (15), 3-3(D), 4-2(a), 4-3, 4-4(a) and (c), 5-2(a)(11), (17), (27) and (29), 5-4, 5-3(d), 5-5, 5-6, 6-1, 6-3, 6-2, 6-4 and 6-7

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

Article 8—Ethics

Title 2—Definitions

2-1. Definitions.

As used in this article the following terms have the meanings indicated unless the context clearly requires a different meaning or a different definition is adopted for a particular title or provision.

(5) "Business" with the City" means *being*:

(i) *regulated by a THE city agency OF THE ELECTED OFFICIAL, MUNICIPAL OFFICER, OR MUNICIPAL EMPLOYEE*

(ii) a registrant

(iii) a party to any one or any combination of sales, purchases, leases or contracts to, from, or with the City, or any agency thereof, involving disbursement of Five Thousand Dollars (\$5,000) or more on a cumulative basis during the fiscal year for which a required statement is to be filed. As of the awarding or execution of a contract or leases the total then ascertainable consideration thereby committed to be paid, regardless of the period of time over which such payments are to be made, shall be included.

(9) "Court means the [appropriate court of the Supreme Bench of] *Circuit Court for Baltimore City* [or successor court that has jurisdiction].

(14) "Financial interest" means:

(i) ownership of any interest as the result of which the owner has received within the past three years, or is presently receiving, or is entitled to receive in the future more than \$1,000 per year;

(ii) ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than [ten percent] 3% of a business entity.

(15) "Gift" means the transfer of anything of economic value regardless of the form without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt, or disposition of political campaign contributions regulated in accordance with the provisions of Article 33, §§26-1 et seq., Annotated Code of Maryland, or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions. [Complimentary admissions to special events including dinners, athletic, charitable, cultural or political events or any other occasion or entertainment, valued at less than \$25 per person for each such admission and when furnished to all similarly situated office holders are excluded from this definition. The term gift as used in this article does not include gifts from a family member or other relative within the third degree of consanguinity.]

[(21) "Regulate" or "regulated" means subject to the control or governed by the rules and regulations of a City agency and required to have a license, permit, or other written authorization from a City agency.]

Title 3 - Administration

3-3. POWERS AND DUTIES.

(D) THE BOARD MAY EXEMPT ANY PERSON [REQUIRED TO GIVE NOTICE OR FILE,] FROM THE PROVISIONS OF THIS ARTICLE OR MODIFY THE PROVISIONS RELATING TO SUCH PERSON IF IT DETERMINES THAT ONE OR MORE OF THE FIRST FOUR OF THE FOLLOWING SITUATIONS EXISTS AND, IN ADDITION, THERETO, PARAGRAPH FIVE APPLIES:

(1) THE ACTION WOULD CONSTITUTE AN UNREASONABLE INVASION OF PRIVACY;

(2) COMPLIANCE WOULD CONSTITUTE A HARDSHIP;

(3) THE NATURE OF THE ACTIVITIES OF THE PERSON, AGENCY, BOARD, OR COMMISSION DOES NOT REQUIRE COMPLIANCE;

(4) COMPLIANCE WOULD SIGNIFICANTLY REDUCE THE AVAILABILITY OF QUALIFIED PEOPLE FOR PUBLIC SERVICE;

(5) THE PARTICULAR EXEMPTION WOULD NOT BE CONTRARY TO THE PURPOSES OF THIS ARTICLE.

3-6. INVESTIGATIONS

THE BALTIMORE CITY POLICE DEPARTMENT OR ANY AGENCY OF THE CITY SHALL CONDUCT INVESTIGATIONS UNDER THIS ARTICLE AT THE REQUEST OF THE DIRECTOR OR THE CHAIRMAN OF THE BOARD.

3-7. POSITION DESCRIPTIONS.

THE DIRECTOR OF PERSONNEL OF THE CIVIL SERVICE COMMISSION SHALL PROVIDE THE DIRECTOR WITH POSITION DESCRIPTIONS THAT REQUIRE ENFORCEMENT OF CITY RULES AND REGULATIONS OR PROCUREMENT OF OUTSIDE SUPPLIES, MATERIALS, OR SERVICES AS DESCRIBED IN SECTION 5-2(A)(23). THE DIRECTOR OF PERSONNEL SHALL ALSO IDENTIFY THE DEPARTMENTS THAT HAVE THE ABOVE DESCRIBED POSITIONS.

~~3-6~~ 3-8. Procedures.

(a) The Director may establish administrative procedures to permit public inspections of records filed in the Department.

(b) The Director shall require that any person examining or copying records shall identify himself or herself and record his or her name, home address, telephone number, organization represented and the name of the person whose record was examined or copied.

~~3-7~~ 3-9. Fees.

(A) The Director may charge reasonable fees for copies, inspection, filings, information, and other services to implement this article.

(B) THE DIRECTOR MAY IMPOSE A LATE FILING FEE FOR FILING ANY DOCUMENT REQUIRED TO BE FILED AFTER THE DEADLINE FOR FILING.

Title 4 – Conflicts of Interest

4-1. [Conflicts of Interest; prohibited interests.

(a) Except as provided in this section, an elected official other than a member of the City Council, municipal officer, municipal employee, or board member shall not have an interest in: (1) any matter subject to the authority of that elected official, municipal officer, municipal employee, or board member or subject to the authority of the City agency with which he is affiliated, or (2) in any

business entity which is negotiating or has entered into a contract to do business with the City.

(b) The prohibition of subsection (a) shall not apply to or prevent:

(1) Any board member having an interest:

(i) in a business entity that enters into a contract that is awarded as a result of competitive bidding or sealed bids under the applicable provisions of the Charter, or a contract between the successful bidder and its subcontractors, when the board member's responsibilities and actions do not include participating on behalf of the City in any manner in the awarding, approval, formulation, or preparation of any such contract; or

(ii) as a partner, associate, or employee in a business entity that represents or is employed by clients or others in transactions or matters before the City, where the business entity is composed solely of members of a particular profession, including the board member, who is regulated by a Code of Ethics formally adopted by that profession.

(2) Any elected official, municipal officer, municipal employee, or board member:

(i) from entering into contracts with the City pertaining to the acquisition of real estate by the City for any public purpose, when the amount of money to be paid by the City for the property involved does not exceed the value of the property as established by not less than two competent real estate appraisers appointed by the City; provided, that all records of the City pertaining to any such transaction shall be open to public inspection at all times during regular business hours.

(ii) from appearing, without compensation, before any City department or agency or legislative body on behalf of constituents or in the performance of any public, official or civic obligation or duty;

(iii) from accepting or receiving any benefit or facility which is provided for or made available to citizens or residents or classes of citizens or residents under any housing or other general welfare legislation or in the exercise of the police power; or

(iv) from holding stock or investing or holding any investment in any corporation or similar legal entity whose stock is owned or held on a broad basis by the general public, as long as such an interest constitutes less than three percent of the ownership or investment in the entity; or from having deposits of money in any banking institution made in the ordinary course of business.]

4-2. Conflicts of Interest; disqualification.

(a) Except as permitted by regulation of the Board or the other provisions of this title an elected official, municipal officer, municipal employee, or board member *shall not participate officially* and shall disqualify himself or herself [and shall not participate] in any matter before [the City agency with which he or she is affiliated,] *a City agency the outcome of which would have a direct*

pecuniary impact distinct from the public at large, on the elected official, municipal officer, municipal employee, board member or any member of that person's family specified below except in the exercise of an administrative or ministerial duty which does not affect the disposition or decision with respect to that matter, if, to his knowledge, he, his spouse, parent, minor child, brother, or sister has an interest [therein] in the matter or if any of the following is a party thereto:

(1) Any business entity in which he has a direct interest of which he may reasonably be expected to know;

(2) Any business entity in which he is an officer, director, trustee, partner, or employee or in which he knows any of the above listed relatives has such interest;

(3) Any business entity with which he knows that he or any of the above listed relatives is negotiating or has any arrangement concerning prospective employment;

(4) Any business entity which is a party to an existing contract with an elected official, municipal officer, municipal employee, or board member, or which the elected official, municipal officer, municipal employee, or board member knows is a party to a contract with any of the above named relatives, if the contract could reasonably be expected to result in a conflict between the private interests of the elected official, municipal officer or municipal employee and his official City duties;

(5) Any business entity, either engaged in a transaction with the City or subject to regulation by the City Agency of which the elected official, municipal officer, municipal employee, or board member is an officer or employee, in which a direct financial interest is owned by another business entity in which the elected official, municipal officer, municipal employee, or board member knows, has a direct financial interest.

(6) Any business entity which is a creditor or obligee of the elected official, municipal officer, municipal employee, or board member, or which he knows is a creditor or obligee of any of the above named relatives, with respect to a thing of economic value and which, by reason thereof, is in a position to affect directly and substantially the interest of the elected official, municipal officer or municipal employee, or any of the above named relatives.

(C) WHEN THERE IS A FINANCIAL OR ECONOMIC INTEREST OF THE CITY, AN ELECTED OFFICIAL, MUNICIPAL OFFICER, AND MUNICIPAL EMPLOYEE MAY SERVE AS A BOARD MEMBER OR TRUSTEE OF A BUSINESS DOING BUSINESS WITH THE CITY PROVIDED THAT THE ELECTED OFFICIAL, MUNICIPAL OFFICER OR MUNICIPAL EMPLOYEE:

(1) SERVES EL OFFICIO OR IS APPOINTED TO REPRESENT THE INTERESTS OF THE CITY; AND

(2) RECEIVES NO FEE, SALARY, OR COMPENSATION THEREFOR; AND

(3) DOES NOT PARTICIPATE IN ANY ACTION IN WHICH THE ELECTED OFFICIAL, MUNICIPAL OFFICER, OR MUNICIPAL EMPLOYEE OR ANY FAMILY MEMBER HAS A FINANCIAL INTEREST.

4-3. Employment Restrictions.

[(a) An elected official, municipal officer, municipal employee, or board member, except a member of the City Council, shall not be employed by: (1) any business entity subject to the authority of that official, officer, employee, or board member or subject to the authority of the City Agency with which such person is affiliated; or (2) any business entity which is negotiating or has entered a contract to do business with the City Agency with which the elected official, municipal officer, municipal employee or board member is affiliated. This prohibition does not apply to a board member who is appointed pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to it.

(b) A former elected official, municipal officer or municipal employee, except a former member of the City Council, shall not assist or represent another party other than the City for compensation in a case, contract, or other specific matter involving the City government if that matter is one in which the elected official, municipal officer or municipal employee personally and significantly participated as an elected official, municipal officer, or municipal employee. The Board may by regulation (1) exempt any elected official, municipal officer, municipal employee from the provisions of this subsection, and (2) establish a time limit for which the provisions of this subsection shall apply to the elected official, municipal officer, municipal employee.]

(a) Except as permitted by regulations of the Board where an interest is disclosed or the employment does not create a conflict of interest or appearance of conflict, the Mayor, Comptroller, President of the City Council, municipal officer, or municipal employee, shall not:

(1) be employed by, or have a financial interest in, any business entity subject to the authority of that elected official, municipal officer, municipal employee, or of the city agency with which the official, officer or employee is affiliated or

(2) be employed by or have a financial interest in any business entity which is negotiating or has entered into a contract to do business FOR WHICH THE CONSIDERATION EXCEEDS \$5,000 with the City agency that the elected official, municipal officer, or municipal employee is affiliated with;

(3) hold any other employment relationship which would impair the impartiality or independence of judgment of the elected official, municipal officer or municipal employee.

(b) This prohibition does not apply to:

(1) A person who is appointed TO A REGULATORY OR LICENSING AUTHORITY pursuant to a requirement that persons subject to the jurisdiction of the authority be represented in appointments to it;

(2) Subject to other provisions of law, including article 4 of this article, a board member in regard to a financial interest or employment held at the time of appointment, provided it is publicly disclosed to the appointing authority and the Commission, or BOARD.

~~(3) An elected official, municipal officer, municipal employee or board member whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Board.~~

(C) THE PROHIBITION OF SUBSECTION (A) SHALL NOT APPLY TO PREVENT ANY ELECTED OFFICIAL, MUNICIPAL OFFICER, MUNICIPAL EMPLOYEE, OR BOARD MEMBERS:

(1) FROM ENTERING INTO CONTRACTS WITH THE CITY PERTAINING TO THE ACQUISITION OF REAL ESTATE BY THE CITY FOR ANY PUBLIC PURPOSE, WHEN THE AMOUNT OF MONEY TO BE PAID BY THE CITY FOR THE PROPERTY INVOLVED DOES NOT EXCEED THE VALUE OF THE PROPERTY AS ESTABLISHED BY NOT LESS THAN TWO COMPETENT REAL ESTATE APPRAISERS APPOINTED BY THE CITY; PROVIDED, THAT ALL RECORDS OF THE CITY PERTAINING TO ANY SUCH TRANSACTION SHALL BE OPEN TO PUBLIC INSPECTION AT ALL TIMES DURING REGULAR BUSINESS HOURS;

(2) FROM APPEARING, WITHOUT COMPENSATION, BEFORE ANY CITY DEPARTMENT OR AGENCY OR LEGISLATIVE BODY ON BEHALF OF CONSTITUENTS OR IN THE PERFORMANCE OF ANY PUBLIC, OFFICIAL OR CIVIC OBLIGATION OR DUTY;

(3) FROM ACCEPTING OR RECEIVING ANY BENEFIT OR FACILITY WHICH IS PROVIDED FOR OR MADE AVAILABLE TO CITIZENS OR RESIDENTS OR CLASSES OR CITIZENS OR RESIDENTS UNDER ANY HOUSING OR OTHER GENERAL WELFARE LEGISLATION OR IN THE EXERCISE OF THE POLICE POWER; OR

(4) FROM HOLDING STOCK OR INVESTING OR HOLDING ANY INVESTMENT IN ANY CORPORATION OR SIMILAR LEGAL ENTITY WHOSE STOCK IS OWNED OR HELD ON A BROAD BASIS BY THE GENERAL PUBLIC, AS LONG AS SUCH AN INTEREST CONSTITUTES LESS THAN THREE PERCENT OF THE OWNERSHIP OR INVESTMENT IN THE ENTITY; OR FROM HAVING DEPOSITS OF MONEY IN ANY BANKING INSTITUTION MADE IN THE ORDINARY COURSE OF BUSINESS.

~~(F)(1)(D)~~ For a period of one year after terminating employment with the City government, a former Mayor, Comptroller, President of the City Council, municipal officer or municipal employee shall not assist or represent a party other than the City for compensation in a case, contract or other specific matter involving the City government if that matter is one in which the elected official, municipal officer or municipal employee personally and significantly participated as an elected official, municipal officer or municipal employee.

~~(2) The provisions of this subsection do not apply to any former elected official, municipal officer or municipal employee who performed solely administrative or ministerial duties which did not affect the disposition or decision with regard to that matter and whose employment does not create a conflict of interest or an appearance of conflict.~~

[(c)] ~~(d)~~ (E) An elected official, municipal officer or municipal employee shall not assist or represent a party for contingent compensation in any matter before or involving any City Agency other than in a judicial or quasi-judicial proceeding.

4-4. Gifts; solicitation or acceptance of gifts.

(a) An elected official, municipal officer, municipal employee shall not solicit any gift [or]. *An elected official, municipal officer, municipal employee shall not knowingly accept any gift, directly or indirectly, from any person that he or she knows or has reason to know:*

(1) Is doing business with the City Council, as to members thereof, or, as to *other elected officials*, municipal officers, or municipal employees, with their agency;

(2) *Is engaged in activities which are regulated or controlled by his or her city agency;*

[(2)] (3) Has a financial interest that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the elected official's, municipal officer's, or municipal employee's duty;

(4) *Is a registrant with respect to matters within the jurisdiction of that elected official, municipal officer, or municipal employee.*

(c) [The] *In accordance with section 3-3(d), the Board by regulation may define further exemptions from this section as necessary.*

Title 5—Financial Disclosure

5-2. Statement Makers.

(a) The following persons are required to file financial disclosure statements provided for in this title unless required by State law to file with the State:

(1) Mayor

(2) President and Members of the City Council

(3) City Comptroller, Deputy City Comptroller, City Auditor, Harbor Master, Superintendent of Markets, Insurance Manager, Real Estate Officer, and all salaried employees of the Department of Audits and the Department of Real Estate.

(4) City Solicitor and Deputy City Solicitor

(5) Director of Public Works, Deputy Director of Public Works and all bureau heads and division chiefs of the Department of Public Works

(6) Chief of the Bureau of Treasury Management and the Deputy Chief of the Bureau of Treasury Management

(7) Director of Finance

(8) City Purchasing Agent and all salaried employees of the Bureau of Purchases

(9) Members of the Planning Commission, Director of Planning, Deputy Director of Planning and all salaried employees of the Department of Planning

(10) Personnel Director of Civil Service Commission

[(11) President of the Community College of Baltimore]

(11) [(12) Superintendent of Schools—Department of Education

[(13) Commissioner of Health and Deputy Commissioner]

[(14) Director of Baltimore City Hospitals]

(12) [(15)] Commissioner, Deputy and Assistant Commissioners, and Directors of and salaried employees in the Construction and Building Inspection, Land Development and Neighborhood Development Divisions of the NEIGHBORHOOD PROGRESS ADMINISTRATION/Department of Housing and Community Development

(13) [(16)] Director of Recreation and Parks and Superintendent of Recreation.

[(17)] Director of Baltimore City Department of Social Services.

(14) [(18)] DIRECTOR AND DEPUTY DIRECTORS OF THE DEPARTMENT OF TRANSPORTATION AND THE Commissioner and Chief Assistant Commissioner of Transit and Traffic

(15) [(19)] Members, Executive Secretary, and salaried employees of the Board of Municipal and Zoning Appeals

(16) [(20)] Members of the Board of Fire Commissioners and Chief of Fire Department

(17) [(21)] Director, Community Relations Commission

(18) [(22)] Warden, City Jail

(19) [(23)] Director, [Minimum] Wage Commission

(20) [(24)] Director, Urban Services Agency

(21) [(25)] Commissioner, Deputy ~~Commissioner~~ COMMISSIONERS and Division Chiefs, Police Department

(22) [(26)] Any person who is a candidate for any elected office described in this subsection

(23) [(27)] All salaried employees whose functions include the *development of specifications for* procurement of outside supplies, materials or services from businesses doing business with the City

(24) [(28)] The individuals serving as trustees under trust agreements for the administration of the loan and guarantee program of the City (Trustees)

(25) [(29)] All municipal *officers and municipal* employees whose official duties include enforcement of rules and regulations of his or her City agency

(b) The names of the employees required to file shall be certified by the appropriate elected official or municipal officer. This certification shall be furnished to the Director on or before August 1 of each year.

5-3. Statements, filing.

[(d) In an election year, the Board shall prescribe the time for filing of and the period to be covered by the statement of elected officials and candidates for the elective offices described in section 5-2.]

(d) In the year of a mayoral election,

(1) On or before the last day for the withdrawal of candidacy for nomination, each elected official and each candidate for an elective office specified in section 5-2 shall file a statement pursuant to this subtitle covering the calendar year immediately preceding the year in which the election is held.

(i) The lists of business entities maintained pursuant to §5-5 may be used by a person filing a statement under subsection (d)(1) of this section.

(2) Each candidate for an office specified in sections 5-2 who is elected shall, within 30 days after taking office, file a statement pursuant to this subtitle covering the fiscal year immediately preceding the year in which the election is held.

5-4. Statements, maintenance and review.

[(a)] The Director shall maintain the statements, and they shall be available for public inspection during regular office hours.

[(b)] The Director may establish administrative procedures and charge reasonable fees for public inspection.

[(c)] The Director shall require that any person examining or copying statements shall identify himself or herself and record his or her name, home address, telephone number, organization represented and the name of the person whose disclosure statement was examined or copied.]

5-5. Business entities list.

(a) The Director of Finance shall certify to the Director no later than August 1 of each year, a list of business entities doing business with the City as defined in §2-1(5)(iii) of this article, which list shall be available to statement makers.

(b) The Director shall provide a list of all registrants which shall be available to statement makers.

5-6. Contents of statement.

[The statement shall contain the following information:]

The statement required to be filed under this title shall contain schedules disclosing the following interests of the statement maker together with the following information, if known for the fiscal year for which the required statement is to be filed:

(a) A schedule of all interests in or with respect to any real property in the City. This schedule, as to each interest, shall include:

(1) The nature of the property and the location by street address, mailing address or legal description of the property.

(2) The nature and extent of the interest held, including any conditions thereto and encumbrances thereon;

(3) THE IDENTITY OF ANY OTHER PERSON WITH AN INTEREST IN THE PROPERTY.

~~(3)~~ (4) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

~~(4)~~ (5) With respect to any interest transferred, in whole or in part, at any time during the fiscal year for which the statement is filed, a description of the interest transferred, the identity of the person to whom the interest was transferred; and

~~(5) The identity of any other person with an interest in the property.~~

(b) A schedule of all interests in any corporation, in which the interests or the right to acquire interests are equal to or greater than a [ten percent (10%)] 3% interest in the corporation if the corporation [is a registrant or] does business with the City. This schedule, as to each interest, shall include:

(1) The name and address of the principal office of the corporation;

(2) The nature of the interest held, including any conditions thereto and encumbrances thereon;

(3) With respect to any interest transferred, in whole or in part, at any time during the fiscal year for which the statement is filed, a description of the interest transferred, the nature of the consideration received in exchange therefor and, if known, the identity of the person to whom the interest was transferred.

(c) A schedule of all interests in any other business entity [which is a registrant or] *that* does business with the City. This schedule, as to each such interest, shall include:

(1) The name and address of the principal office of the business entity;

(2) The nature of the interest held, including any condition thereto and encumbrances thereon; and

(3) With respect to any interest transferred, in whole or in part, at any time during the fiscal year for which the statement is filed, a description of the interest transferred.

(d) (1) A schedule of each gift of property in excess of [\$150 in value] *\$50 in value or a series of gifts totalling \$150 or more*, including the forgiveness of any liability, received at any time during the fiscal year for which the statement is filed, by the statement maker from, or on behalf of, directly or indirectly, any person who [is a registrant or] does business with the City; except;

(i) Gifts from a person related by blood or marriage, or a member of the household;

(ii) Campaign contributions which are otherwise reported as required by law.

(iii) Complimentary admissions to special events including dinners, athletic, charitable, cultural or political events or any other occasion or entertainment, valued at less than \$25 per person for each such admission and when furnished to all similarly situated office holders.

(2) This schedule, as to each such gift, shall include:

(i) The nature of the gift; and

(ii) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(e) A schedule of all offices, directorships and salaried employment held at any time during the fiscal year for which the statement is filed in any corporation or other business entity [which is a registrant or] *that* does business with the City. This schedule, as to each such office, directorship or salaried employment shall include:

(1) The name and address of the principal office of the business entity;

(2) The title and nature of the office, directorship or salaried employment held.

(f) A schedule of all liabilities [to any registrant or] to any person doing business with the City owed by the statement maker at any time during the fiscal year for which the statement is filed, excluding retail credit accounts, utility accounts, *first mortgages on the statement maker's personal residence*, and bank loans *of less than five thousand dollars*; and all liabilities of the spouse or child of the statement maker [to any registrant or] to any person doing business with the City ~~owned~~ OWED at any time during the fiscal year for which the statement is filed if the statement maker was involved in the transaction giving rise to the liability, excluding retail credit accounts, utility accounts, *first mortgages on the personal residence of the spouse or child*, and bank loans *of less than five thousand dollars*. This schedule, as to each such liability, shall include:

(1) The identity of the person to whom the liability was owed;

(2) The amount of the liability owed at the end of the fiscal year for which the statement is filed;

(3) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and

(4) The security given, if any, for the liability.

(g) A list of all members of the family of the statement maker who are regularly employed by the City in any capacity.

[(h) The reporting requirements of subsections (b), (c), (d), (e), and (f) shall apply to statement makers who regulate business entities. The statement shall include any interest in, employment by, liabilities to or gifts in excess of \$150 from any business entity regulated by the statement maker.]

(h) The name and address of all non-City employers of the statement maker or his family.

(i) Any additional interests or information that the statement maker desires to make.

Title 6 – Lobbying

6-1. Definitions.

(a) As used in this title the following terms have the meanings indicated unless the context clearly requires a different meaning.

(1) *"Compensation" means any money or thing of value, regardless of form, receiving or to be received by any individual covered by this ~~article~~ TITLE from an employer for service rendered. If lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties. For reporting purposes, a prorated amount shall be labeled as such.*

[(1)] (2) "Legislative action" means any action by the City Council on any bill or resolution before it.

[(2)] (3) "Lobbying" means:

(i) Communicating in the presence of an elected official, municipal officer, [or] municipal employee, *or board member* of Baltimore City with the intent to influence any legislative action or official action of the elected official, municipal officer, [or] municipal employee, *or board member* or

(ii) Engaging in activities having the express purpose of soliciting others to communicate with an elected official, municipal officer, [or] municipal employee, *or board member* with the intent to influence any legislative action or official action of that elected official, municipal officer, [or] municipal employee, *or board member*

[(3)] (4) "Official action" means any agreement between any person and the Mayor and City Council of Baltimore for which the consideration is \$5,000 or more or any official act by a municipal officer or municipal employee on behalf of his or her City agency.

[(4)] (5) "Registration statement" means the lobbying registration statement required to be filed under the provisions of this title.

[(5)] (6) "Registrant" means any person required to file a registration required by this title.

[(6)] (7) "Report" means the lobbying report to be filed under the provisions of this title.

[(7)] (8) "Reporting period" means the period of time between July 1 and June 30.

6-2. Lobbying.

(a)(1) Except as provided in sections 6-10 and 6-11, of this title, any person who engages in lobbying *before the City Council* shall file a lobbying registration with the Director [on or before July 1 or] within five days after engaging in lobbying activities, if this person, during the reporting period either:

(i) [(1)] Expends in excess of [\$500] \$250 or expects to expend in excess of [\$500] \$250 during a reporting period [for meals, entertainment, or gifts for lobbying before the City Council or a City Agency] *in futherance of lobbying activities*; or

(ii) [(2)] Is compensated in excess of [\$1,000] \$500 in connection with lobbying [before the City Council] *activity*.

(2) *A lobbying registration filed pursuant to this subsection, unless terminated by the registrant, shall remain in effect until the Thursday next after the first Monday in December in the year of the next mayoral election.*

(b) (1) *Except as provided in sections 6-10 and 6-11 of this title, any person who engages in lobbying before any City agency and who during a reporting period expends in excess of \$250 or expects to expend in excess of \$250 in connection with lobbying activities shall file a lobbying registration with the Director within 5 days after engaging in lobbying activity.*

(2) *A lobbying registration filed pursuant to this subsection, unless terminated by the registrant, shall remain in effect until the Tuesday next after the first Monday in December in the year of the next mayoral election.*

(c) *The registrant need not file the lobbying registration required under subsection (a) or (b) if he has previously filed a registration with the Director which is still in effect.*

6.3. Registration of lobbyists.

(a) The registration filed pursuant to this title shall be dated and on a form developed by the board with the assistance of the Director and shall include the following:

(1) The registrant's full and legal name and permanent address;

(2) The full and legal name and address, and nature of business of any person on whose behalf the registrant acts;

(3) The written authorization of any person on whose behalf the registrant acts (if this is a corporation, the authorization may be executed by any authorized officer or agent, who is not the registrant);

(4) A statement of whether the person on whose behalf the registrant acts is exempt from registration pursuant to section 6-11 of this title;

(5) The identification of legislative matters or executive matters on which the registrant has acted *or intends to act*;

(6) Identification of the period of time during which the registrant is authorized to engage in lobbying, unless sooner terminated.

(b) A person who engages in lobbying on behalf of more than one person shall file a separate registration for each person.

(c) (1) A registrant may terminate his registration by written notice to the Board.

(2) The registrant shall submit any reports required to be filed with the notice of termination.

(3) The termination shall be effective 30 days after the receipt of the notice in proper form.

[(d) Unless the registrant terminates the registration under subsection (c), the registration shall expire at the end of the term for which the Mayor and City Council were elected.]

6-4. Reports of lobbyists.

If a registrant lobbies during a reporting period, the registrant shall file with the Board a report for each reporting period in which the registrant lobbies. The report shall be filed within thirty days after the end of the reporting period in which the registrant lobbied. If the registrant is not an individual, an authorized officer or agent of the entity shall sign the form. A separate activity report shall be filed for each person on whose behalf the registrant acts. The report shall include:

(a) A complete and current statement of the information required to be supplied pursuant to this title in section 6-3.

(b) Total expenditures on lobbying in each of the following categories:

(1) Total compensation paid to the registrant not including expenses reported under paragraphs (2) [and (3)] *through* (8), salaries, compensations, and reimbursed expenses for the staff of the registrant;

(2) *Professional and technical research and assistance not reported in paragraph (1) of this section.*

(3) *Publications which expressly encourage persons to communicate with elected officials, municipal officers, employees, or board members.*

(4) *Names of witnesses, and the fees and expenses paid to each.*

(5) *Meals and beverages for elected officials, municipal officers, municipal employees, or board members or members of their families.*

(6) *Special events, including parties, dinners, athletic events, entertainment, and other functions to which all members of the City Council or a standing committee thereof are invited.*

(7) *Reasonable expenses for food, lodging and scheduled entertainment of elected officials, municipal officers or municipal employees for a meeting which is given in return for participation in a panel or speaking engagement at the meeting.*

[(2)] (8) Gifts to or for elected officials, municipal officers, or municipal employees or their families.

[(3)] (9) Other expenses specified by the Board.

(c) Except for gifts reported in subsection (b) [(2)] (6) and (7), the name of each elected official, municipal officer, or municipal employee, or *member of* his or her family who has benefited from gifts from the registrant with a cumulative value of \$150 or more during the reporting period whether or not given in connection with the registrant's lobbying activities. Where the \$150 cumulative value is met or exceeded, all succeeding gifts shall also be itemized by date, beneficiary, amount of value, and nature of the gift. Expenses reported in [this] subsection (b) [(2)] (6) and (7), shall be itemized as to date, location and expense of the event, but allocation to elected officials, municipal officers, or municipal employees need not be listed.

6-7. Public inspection of reports.

[(a)] The Director shall maintain the registrations and reports, *and they* shall be available for public inspection during regular office hours.

[(b)] The Director may establish administrative procedures and charge reasonable fees for public inspection.

(c) The Director shall require that any person examining or copying registrations or reports shall identify himself and record his name, home address, telephone number, organization he represents and the name of the person whose registration or report was examined or copied.]

Title 7

Enforcement

7-2. Violations of Title 4.

When the Board determines that a provision of title 4 – Conflict of Interest has been violated, action may be taken as provided in this section.

[(a)] The City Solicitor may request the State Attorney for Baltimore City to prosecute any person who knowingly violates the provisions of title 4.

(b) Any person subject to the provisions of title 4 who knowingly violates the provisions of title 4 shall be guilty of a misdemeanor and on conviction is subject to a fine of not more than \$1,000 or imprisonment for not more than 12 months or both.]

(a) [(c)] If the Board determines that any contract with the City involves a violation of a conflict of interest provision of title 4 by any person subject to the provisions of title 4, the contract may be terminated upon such terms and conditions as may be approved by the Board of Estimates, or the contract may be set aside in whole or in part in a legal action instituted by the City with approval of the Board of Estimates, unless the court finds that the contract or part thereof affected by the conflict of interest is in the public interest. In the legal action the

contract or the affected portion thereof shall "prima facie" be considered not to be in the public interest.

(b) [(d)] Except as provided in this section, a contract with the City shall not be set aside because of a violation of title 4 on the ground of conflict of interest.

[(e) If an elected official is convicted of violating the provisions of title 4, the duties, powers, and authority vested in the elected official by law shall terminate in their entirety as of the day of the conviction. The office held by the convicted elected official shall be filled in the same manner as though the elected official had died while holding office, provided an appeal has not been filed or all appeals have been decided and the conviction has been upheld.]

(c) *If an elected official is found by the Board to have violated the provisions of title 4, the Board shall report its findings to the City Solicitor and to the City Council for appropriate action.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect sixty THIRTY days from the date of its passage.*

Approved March 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 321

(Council No. 509)

AN ORDINANCE concerning

CITY PROPERTY - SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to certain parcels of land no longer needed for public use, located at the northeast corner of Boston and Clinton Streets, Baltimore, Maryland.

BY authority of
Article V - Comptroller
Section 5(b)
Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to those parcels of land situate in Baltimore, Maryland, and described as follows:*

1315 South Clinton Street
1317 South Clinton Street

1319 South Clinton Street
1321 South Clinton Street
1323 South Clinton Street
1325 South Clinton Street
1327 South Clinton Street
1329 South Clinton Street
1331 South Clinton Street
1333 South Clinton Street
1335 South Clinton Street
1337 South Clinton Street
1339 South Clinton Street
1341 South Clinton Street
1343 South Clinton Street
1345 South Clinton Street
1347 South Clinton Street
1318 South Highland Street
1320 South Highland Avenue
1322 South Highland Avenue
1324 South Highland Avenue
1326 South Highland Avenue
1328 South Highland Avenue
1336 South Highland Avenue

Said properties being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 22, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 322

(Council No. 639)

AN ORDINANCE concerning

PARKING - RESERVED
JACKSON STREET

FOR the purpose of providing for reserved parking on the east side of Jackson Street for Anita Allen.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the east side of Jackson Street, from a point 101' south of Heath Street to a point

123' south of Heath Street, parking is reserved for Anita Allen, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 323

(Council No. 640)

AN ORDINANCE concerning

**PARKING—RESERVED
BONNER ROAD**

FOR the purpose of providing for reserved parking on the south side of Bonner Road for Thomas Ray.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the south side of Bonner Road, from a point 167' west of Westchester Road to a point 189' west of Westchester Road, parking is reserved for Thomas Ray, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 324

(Council No. 641)

AN ORDINANCE concerning

**PARKING—RESERVED
GARRISON AVENUE**

FOR the purpose of providing for reserved parking on the south side of Garrison Avenue for Morris Armstead.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the south side of Garrison Avenue, from a point 253' east of Oakmont Avenue to

a point 274' east of Oakmont Avenue, parking is reserved for Morris Armstead, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 325

(Council No. 470)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - 316 KIRBY LANE

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property located at 316 Kirby Lane, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 4.8-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property located at 316 Kirby Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 326

(Council No. 495)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DRIVE-IN RESTAURANT WITH A DRIVE THROUGH WINDOW
5301 PARK HEIGHTS AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 5301 Park Heights Avenue, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 6.3-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 5301 Park Heights Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 327

(Council No. 543)

AN ORDINANCE concerning

STREET ENCROACHMENT—2301 N. CALVERT STREET

FOR the purpose of authorizing the construction and maintenance of buttresses and planters projecting 3 feet into the public right of way adjoining the south side of 2301 N. Calvert Street.

BY authority

Article 32—Baltimore City Building Code

Section 310.5

Baltimore City Code (1982 Edition and Supplement)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the construction and maintenance of 3 buttresses and 2 planters are hereby authorized on the south side of the property known generally as 2301 N. Calvert Street. The buttresses and planters shall be constructed of brick and shall extend out from the Twenty-third Street side of the building. Each buttress shall be 1 foot wide, 3 feet deep and shall extend 6 feet below the sidewalk. The planters in between the buttresses shall be 4½ feet wide and ~~18 inches~~ 3 FEET deep. Except as specifically provided in this ordinance, all ordinances and rules and regulations of the Mayor and City Council shall be complied with in the construction and use of said structure.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 328

(Council No. 553)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE

PENAL AND CORRECTIONAL INSTITUTION.

501-531 E. MADISON STREET, 707 CONSTITUTION STREET,
710 GRAVES STREET AND 522 E. MONUMENT STREET

FOR the purpose of granting permission for the establishment, maintenance and operation of a Penal and Correctional Institution on the property known as 501-531 E. Madison Street, 707 CONSTITUTION STREET, 710 GRAVES STREET AND 522 E. MONUMENT STREET as outlined in red on the

AMENDED plats accompanying this ordinance, SUBJECT TO CERTAIN CONDITIONS.

BY authority of

Article 30—Zoning

Sections 7.2-1cc-4 and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted to the City Jail for the establishment, maintenance and operation of a Penal and Correctional Institution on the property known as 501-531 E. Madison Street, 707 CONSTITUTION STREET, 710 GRAVES STREET AND 522 E. MONUMENT STREET as outlined in red on the AMENDED plats accompanying this ordinance, under the provisions of Section 7.2-1cc-4 and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" SUBJECT TO THE CONDITION THAT THE PROPERTY SHALL BE USED FOR THE JAIL'S ADMINISTRATIVE STAFF OFFICES AND AN INDUSTRIAL TRAINING PROGRAM FOR INMATES AND OTHER GOVERNMENTAL USES AND SHALL NOT BE USED TO HOUSE INMATES.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 329

(Council No. 555)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE
PARKING LOT—104 W. 39TH STREET

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property known as 104 W. 39th Street as outlined in red on the plats AND SITE PLANS accompanying this ordinance, subject to certain conditions.

BY authority of
Article 30—Zoning
Sections 4.5-1d and 11.0-6d
Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property known as 104 W. 39th Street, as outlined in red on the plats AND SITE PLANS accompanying this ordinance, WHICH INCLUDE A COPY OF A PHOTOGRAPH OF THE PROPOSED LIGHT FIXTURES, under the provisions of Section 4.5-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning", subject to the following conditions:

~~1. That there will be no access (either ingress or egress) onto Canterbury Road;~~

~~2. That Broadview Apartments Company, its successors and assigns will maintain the parking lot and the trees, shrubs and landscaping shown on the plat filed with the building permit;~~

~~3. That the parking lot ingress and egress shall be regulated by a card insert (or similar mechanical or electrical) system and that, if the traffic warrants, there shall be an attendant (under the supervision of said Company) on duty from 11 a.m. to 3 p.m. and from 5 p.m. to 9 p.m.; and~~

1. THAT THE OWNER OF THE SUBJECT PROPERTY, ITS ASSIGNS AND SUCCESSORS, SHALL NOT BE PERMITTED TO HAVE A DRIVEWAY NOR ANY OTHER MEANS OF VEHICULAR INGRESS OR EGRESS FROM THE SUBJECT PROPERTY TO CANTERBURY ROAD;

2. THAT THE OWNER OF THE SUBJECT PROPERTY, ITS ASSIGNS AND SUCCESSORS, SHALL BE PERMITTED TO USE SAID PROPERTY EXCLUSIVELY FOR THE PURPOSE OF A SINGLE LEVEL, UNROOFED, PAVED OFF-STREET PARKING AREA AS SHOWN ON THE APPROVED PLAT FILED WITH THE BUILDING PERMIT;

3. THAT THE OWNER OF THE SUBJECT PROPERTY, ITS ASSIGNS AND SUCCESSORS SHALL NOT ERECT, CONSTRUCT OR POSITION, OR CAUSE TO BE ERECTED, CONSTRUCTED OR POSITIONED, UPON THE SUBJECT PROPERTY ANY BUILDING, TRAILER, PARKING GARAGE OR ANY OTHER STRUCTURE, SAID CONDITION GOVERNING ALL THE PROPERTY BEING DEPICTED ON THE APPROVED PLAT FILED WITH THE BUILDING PERMIT;

4. That the lot shall be used primarily for monthly parking by tenants of the said Company. Approximately 85% of the parking spaces created by the ordinance shall be allotted to said monthly parking. After satisfaction of the needs of the Company's tenants, parking spaces may be made available to neighborhood residents on a monthly basis;

5. THAT THE OWNER OF THE SUBJECT PROPERTY, ITS ASSIGNS AND SUCCESSORS, SHALL MAINTAIN THE SUBJECT PROPERTY AT ALL TIMES, INCLUDING BUT NOT NECESSARILY LIMITED TO THE PROMPT CLEARING OF SNOW, TRASH AND DEBRIS OF ANY DESCRIPTION, THE PAINTING AND REPAINTING OF PARKING AND TRAFFIC PATTERN MARKINGS, THE REPAIR AND REPLACEMENT OF ALL LIGHTING FIXTURES, BULBS AND ALL OTHER ELECTRICAL AND MECHANICAL DEVICES AND EQUIPMENT, THE RAKING, MULCHING, RESEEDING OR RESODDING, AND PRUNING WHEN NECESSARY, OF ALL GRASS COVERED AREAS AND ALL AREAS WITH TREES, AND SHRUBBERY;

6. THAT THE OWNER, ITS ASSIGNS AND SUCCESSORS, SHALL CONTROL THE INGRESS AND EGRESS TO THE PARKING LOT BY A CARD INSERT OR SIMILAR MECHANICAL OR ELECTRICAL BARRIER SYSTEM AND, AT SUCH TIMES WHEN IN THE OWNER'S SOLE DISCRETION THE TRAFFIC USE OF SAID LOT REQUIRES, BY AN ATTENDANT UNDER SUPERVISION OF THE OWNER;

7. THAT IN SEEKING THE ISSUANCE OF A BUILDING PERMIT THAT WOULD AUTHORIZE CONSTRUCTION OF THE SINGLE LEVEL, UNROOFED, PAVED OFF-STREET PARKING LOT, THE OWNER SHALL SUBMIT A PLAT WHICH CLEARLY DELINEATES THE LOCATION AND DESCRIPTION OF TREES AND SHRUBBERY ON THE PARKING LOT AND THE LOCATIONS AND SPECIFICATIONS OF LIGHTING FIXTURES TO BE PLACED ON THE PARKING LOT; AND

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *AND BE IT FURTHER ORDAINED*, THAT THE CONDITIONS SET FORTH HEREINABOVE IN SECTION 1 SHALL BE MANDATORY AND NOT MERELY DIRECTORY.

SEC. 3 4. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 330

(Council No. 571)

AN ORDINANCE concerning

STREET ENCROACHMENT - 1900, 1902, 1904, 1906, 1908, 1910, 1912,
1914, 1916, AND 1918 ORLEANS STREET

FOR the purpose of authorizing the construction and maintenance of masonry steps projecting 4 feet into the public right of way on the even side of the 1900 block of Orleans Street.

BY authority

Article 32 - Building Code of Baltimore City

Section 310.2

Building Code of Baltimore City (1982 Edition and Supplement)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the construction and maintenance of masonry steps is hereby authorized in front of the properties generally known as 1900, 1902, 1904, 1906, 1908, 1910, 1912, 1914, 1916 and 1918 Orleans Street. There shall be 5 steps, each one serving 2 entrances, extending 4 feet out from the front of each building and each set of steps shall be 13 to 15 feet in width. Plans for the steps were prepared by Donald B. Ratcliffe, AIA, Associates, Incorporated and are on file with NPA/HCD for building permit. Except as specifically provided, all ordinances and rules and regulations of the Mayor and City Council shall be complied with in the construction and use of said structures.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 331

(Council No. 586)

AN ORDINANCE concerning

REZONING - 1701 E. NORTH AVENUE

FOR the purpose of changing the zoning for the property known as 1701 E. North Avenue from the R-7 Zoning District to the ~~R-7~~ R-8 Zoning District as outlined in red on the AMENDED plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 47

Article 30—Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Sheet No. 47 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-7 Zoning District to the ~~R-9~~ R-8 Zoning District the property known as 1701 E. North Avenue as outlined in red on the AMENDED plats accompanying this ordinance.

SEC. 2. *And be it further ordained, That* upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall, then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained, That* this ordinance shall take effect on the 30th day after the date of its enactment.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 332

(Council No. 602)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—CONVENTION COMPLEX

FOR the purpose of providing a supplementary loan fund appropriation in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) to the Convention Complex to be used for renovation and modernization of the Baltimore Civic Center.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution III of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 126 approved June 27, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) and to

issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents the proceeds of said certificates of indebtedness, such amount being in excess of the reve nues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Convention Complex pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordinance herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 19th day of December, 1984, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Two Million Five Hundred Thousand Dollars (\$2,500,000) shall be made available to the Convention Complex of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of renovation and modernization of the Baltimore Civic Center. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 333

(Council No. 603)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary loan fund appropriation in the amount of Five Million Dollars (\$5,000,000) to the Department of Public Works to be used for rehabilitating public streets and avenues located in Baltimore City.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution XII of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 117 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Ten Million Dollars (\$10,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 19th day of December, 1984, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Five Million Dollars (\$5,000,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of rehabilitating public streets and

avenues located in Baltimore City, provided that said streets and avenues shall consist of the following named projects:

Clifmont Avenue (Belair Road to Edison Highway)	\$435,000
Hudson Street (Ogden Street to O'Donnell Street)	163,000
Savage Street (Foster Avenue to Eastern Avenue)	109,000
Tolna Street (Hudson Street to Eastern Avenue)	51,000
29th Street (Hillen Road to Kirk Avenue)	652,000
Cecil Avenue (North Avenue to Curtain Avenue)	163,000
Dumbarton Avenue (Old York Road to Elkader Road)	109,000
Elkader Road (Argonne Drive to Cator Avenue)	27,000
Willshire Avenue (Greenhill Avenue to Belair Road)	326,000
Barbara Avenue (Frankford Avenue to Dead End)	326,000
Idaho Avenue (Belair Road to Hilltop Avenue)	217,500
Carey Street (Lafayette Avenue to Franklin Street)	217,500
Hilton Street (Sequoia Avenue to Wabash Avenue)	174,000
Hilton Street (Belmont Avenue to Westmount Avenue)	43,000
Winchester Street (Braddish Avenue to Poplar Grove Street)	109,000
Schroeder Street (Franklin Street to Edmondson Avenue)	54,000
Belle Avenue (Milford Avenue to Gwynn Oak Avenue)	82,000
Ayrdaie Avenue (Sequoia Avenue to Boarman Avenue)	380,500
Lyndhurst Avenue (Duval Avenue to Mondawmin Avenue)	380,500
Nieman Avenue (Patapsco Avenue to Gable Avenue)	217,000
Stockholm Street (Warner Street to Sharp Street)	435,000
Spence Street (Herkimer Street to Grove Street)	326,000

The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 334

(Council No. 604)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary loan fund appropriation in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000) to the Department of Housing and Community Development to be used for construction of a Civic Center Plaza.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 19th day of December, 1984, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Seven Hundred Fifty Thousand Dollars (\$750,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of

construction of a Civic Center Plaza. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 335

(Council No. 605)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION - PARKING FACILITY TO BE LOCATED ON AND BETWEEN PIERS 5 AND 6 IN THE INNER HARBOR

FOR the purpose of providing a supplementary special fund appropriation in the maximum amount of Five Million Dollars (\$5,000,000) to the Off-Street Parking Commission to be used for the purpose of establishing, constructing, erecting, altering, expanding, enlarging, improving, equipping, repairing, maintaining, operating, controlling and regulating off-street parking facilities to be located on and between Piers 5 and 6 in the Inner Harbor in Baltimore City.

BY authority of
Article VI - Board of Estimates
Section 2(h)(3)
Baltimore City Charter (1964 Revision, as amended)

RECITALS

Article XI-C, Section 3, of the Constitution of the State of Maryland, Article II, subsection (20)(c), of the Charter of Baltimore City, 1964 Revision, as amended, and Bill No. 1602 (Ordinance No. 998), passed by the City Council on June 30, 1983 and approved by the Mayor on June 30, 1983, as amended (the "Ordinance"), provide for the issuance from time to time by Mayor and City Council of Baltimore (the "City") of its revenue bonds, notes or other obligations (including bond anticipation notes) in an aggregate principal amount set forth in the Ordinance for the purpose of providing off-street parking facilities within the geographical limits of the City.

The money appropriated by this Ordinance represents the proceeds from the sale of a series of such bonds, notes or other obligations (the "Bonds") in the maximum principal amount of \$5,000,000.

The sum appropriated by this Ordinance is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3), of said Charter.

The supplementary special fund appropriation made available by this Ordinance has been recommended to the City Council by the Board of Estimates at a regular meeting of said Board HELD ON THE 9TH DAY OF JANUARY, 1985, all in accordance with Article VI, Section 2(h)(3), of the Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That,* under the provisions of Article VI, Section 2(h)(3), of the 1964 Revision of the Charter of Baltimore City, the sum of up to Five Million Dollars (\$5,000,000) shall be made available to the Off-Street Parking Commission of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1985 for the purpose of establishing, constructing, erecting, altering, expanding, enlarging, improving, equipping, repairing, maintaining, operating, controlling and regulating certain off-street parking facilities to be located on and between Piers 5 and 6 in the Inner Harbor in Baltimore City and consisting (by way of general description and not limitation) of a multi-level parking facility containing approximately 500 parking spaces, including (without limitation) any interests in land necessary or desirable for such facility (the "Facilities"). The exact amount to be made available to the Off-Street Parking Commission pursuant to this Ordinance shall be equal to the aggregate principal amount of the Bonds issued by the City, acting through the Board of Finance in accordance with the Ordinance, in order to finance the Facilities and provide for such other costs in connection with the Facilities or the issuance, sale and delivery of the Bonds as the Board of Finance may determine in accordance with the Ordinance. The amount thus made available as a supplementary special fund appropriation shall be expended from the proceeds of the sale of the Bonds received by the City on the date of issuance of the Bonds; and said amount shall be the source of revenue for the supplementary special fund appropriation, as required by Article VI, Section 2, of the Baltimore City Charter (1964 Revision, as amended).

SEC. 2. *And be it further ordained,* That this ordinance shall take effect from the date of its passage.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 336

(Council No. 623)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
DEPARTMENT OF RECREATION AND PARKS

FOR the purpose of providing a supplementary general fund appropriation in the amount of Five Hundred Thousand Dollars (\$500,000) to the Department of Recreation and Parks to be used for modernization and refurbishing of the Baltimore Orioles administrative offices, clubhouse, ticket facilities and ancillary areas located in Baltimore Memorial Stadium.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents surplus general funds arising in the preceding fiscal year which became a part of the general revenue of the City in excess of the amount estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for general expenditures of the City in the current fiscal year, as provided in Article VI, Section 2(i) of the 1964 revised Charter of Baltimore City, as amended; and

WHEREAS, the additional sum herein appropriated is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 19th day of December, 1984, and all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Five Hundred Thousand Dollars (\$500,000) shall be made available to the Department of Recreation and Parks of the City of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1985, for the purpose of modernization and refurbishing of the Baltimore Orioles administrative offices, clubhouse, ticket facilities and ancillary areas located in Baltimore Memorial Stadium. The amount thus made available as a supplementary general fund appropriation shall be expended from surplus general funds of the Mayor and City Council of Baltimore carried over from the preceding budget year; and said funds from the said surplus shall be the source of revenue for this supplementary general fund ap-

propriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 337

(Council No. 632)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary general fund appropriation in the amount of Three Hundred Thousand Dollars (\$300,000) to the Department of Housing and Community Development to be used for sub-surface repairs to the foundation structure of Hopkins Plaza.

BY authority of
Article VI—Board of Estimates
Section 2(h)(3)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents surplus general funds arising in the preceding fiscal year which became a part of the general revenue of the City in excess of the amount estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for general expenditures of the City in the current fiscal year, as provided in Article VI, Section 2(i) of the 1964 revised Charter of Baltimore City, as amended; and

WHEREAS, the additional sum herein appropriated is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 19th day of December, 1984, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2 (h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Three Hundred Thousand

Dollars (\$300,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary general fund appropriation for the fiscal year ending June 30, 1985, for the purpose of sub-surface repairs to the foundation structure of Hopkins Plaza. The amount thus made available as a supplementary general fund appropriation shall be expended from surplus general funds of the Mayor and City Council of Baltimore carried over from the preceding budget year; and said funds from the said surplus shall be the source of revenue for this supplementary general fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 338

(Council No. 655)

AN ORDINANCE concerning

PARKING-RESERVED
DRUID HILL AVENUE

FOR the purpose of providing for reserved parking on the west side of Druid Hill Avenue near Retreat Street, for Sally Douglas.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on Druid Hill Avenue, west side, from a point 104' north of Retreat Street to a point 126' north of Retreat Street, parking is reserved for Sally Douglas, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 339

(Council No. 659)

AN ORDINANCE concerning

PARKING - RESERVED
KENWOOD AVENUE

FOR the purpose of providing for reserved parking on the west side of N. Kenwood Avenue, for Katie Brace.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the west side of N. Kenwood Avenue, from a point 63' south of Federal Street to a point 85' south of Federal Street, parking is reserved for Katie Brace, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved March 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 340

(Council No. 644)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purposes of providing a supplementary special fund appropriation in the amount of Five Hundred Thousand Dollars (\$500,000) to the Department of Housing and Community Development to be used for the partial funding of the termination of the current development of Coldspring Newtown including the purchase of the exclusive development rights of the current developer and the reimbursement of expenses incurred by the Trustees for City Loan and Guarantee Program in connection with Coldspring.

BY authority of

Article VI - Board of Estimates

Section 2(h)(1)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue from Urban Development Action Grant repayments in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year and is therefore available for appropriation to the Department of Housing and Community Development pur-

suant to the provisions of Article VI, Section 2(h)(1) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 6th day of February, 1985, all in accordance with Article VI, Section 2(h)(1) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(1) of the 1964 Revision of the Charter of Baltimore City as amended, the sum of Five Hundred Thousand Dollars (\$500,000) shall be made available to the Department of Housing and Community Development as a supplementary special fund appropriation for the fiscal year ending June 30, 1985 for the purpose of the partial funding of the termination of the current development of Coldspring Newtown including the purchase of the exclusive development rights of the current developer and the reimbursement of expenses incurred by the Trustees for City Loan and Guarantee Program in connection with Coldspring. The amount thus made available as a supplementary special fund appropriation shall be expended from revenue derived from Urban Development Action Grant repayments in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Urban Development Action Grant repayments shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2(h)(1) of the 1964 revised Charter of Baltimore City.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 341

(Council No. 645)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purposes of providing a supplementary loan fund appropriation in the amount of One Million Nine Hundred Thousand Dollars (\$1,900,000) to the Department of Housing and Community Development to be used for the partial funding of the termination of the current development of Coldspring Newtown including the purchase of the exclusive development rights of the

current developer and the reimbursement of expenses incurred by the Trustees for City Loan and Guarantee Program in connection with Coldspring.

BY authority of
Article VI - Board of Estimates
Section 2(h)(3)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by Ordinance 98 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Nine Million Five Hundred Thousand Dollars (\$9,500,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 6th day of February, 1985, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Million Nine Hundred Thousand Dollars (\$1,900,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the partial funding of the termination of the current development of Coldspring Newtown including the purchase of the exclusive development rights of the current developer and the reimbursement of expenses incurred by the Trustees for City Loan and Guarantee Program in connection with Coldspring. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the

budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended.)

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 8, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 342

(Council No. 697)

AN ORDINANCE concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
DUKE ASSOCIATES PROJECT FACILITY

FOR the purpose of authorizing and empowering the Mayor and City Council of Baltimore to issue and sell, at any time or from time to time, and in one or more series, as limited obligations of the Mayor and City Council of Baltimore and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$1,650,000 pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Duke Associates, a Maryland general partnership, of a certain project in Baltimore City consisting of (a) the acquisition of approximately 5.7 acres of land together with any and all improvements existing thereon located at 2730 Wilmarco Avenue, (b) the renovation of the buildings located on such land, and (c) the purchase and installation of certain machinery and useful equipment therein, and to be leased by Continental Specialty Foods, Inc. AND BY VARIOUS OTHER TENANTS; authorizing the Mayor of the City, on behalf of the Mayor and City Council of Baltimore, to accept the letter of intent dated February 15, 1985 from Duke Associates and Continental Specialty Foods, Inc. to the Mayor and City Council of Baltimore; making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Duke Associates shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the

date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and, in connection therewith, to issue bonds, notes or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purpose, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated February 15, 1985 (the "Letter of Intent") from Duke Associates, a Maryland general partnership (the "Borrower") and Continental Specialty Foods, Inc., a Maryland corporation (the "Project User"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain project in Baltimore City, Maryland (the "Project"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$1,650,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project by the Borrower.

The Letter of Intent expresses the Borrower's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code, imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) of the code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap.

In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 4 hereof.

The Project, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of approximately 5.7 acres of land (the "Land") together with any and all improvements existing thereon located at 2730 Wilmarco Avenue in Baltimore City (the "Building"), (b) the renovation of the Building, (c) the purchase and installation of certain necessary or useful equipment and machinery in connection with the operation of the Project User's business (the "Equipment") and (d) the acquisition of such other interests and land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Project will be owned by the Borrower.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) assisting in the retention of an existing company in the City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or

arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$1,650,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Project.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City intends that the enactment of this Ordinance shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Ordinance, the Borrower may commence the acquisition of the Project prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Project prior to the adoption of a resolution by the Board, as described in Section 5(a) below, the Borrower does so at its own risk.

SEC. 4. *And be it further ordained*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Law, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In addition, in the event that any present law or any pending or future legislation limits or would limit (by a volume limitation or otherwise) the City's ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Law and any present or future State and local laws) for facilities other than the Project, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 4, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2)

issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Project; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 6. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Project, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Project to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building and landscape design.

SEC. 8. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature, provided that at least one signature required or permitted to be placed on the Bonds is manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar or other agent or custodian, any other signature required or permitted to be placed on the Bonds is manually subscribed. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions thereof.

SEC. 9. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 10. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1976 Replacement Volume and 1983 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions to:

- (a) approve the issuance of such bond anticipation notes;
- (b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;
- (c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;
- (d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Project; and
- (e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 11. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however,

that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 13. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

SEC. 14. *And be it further ordained*, That as required by Section 103(n)(12)(A) of the Code, the City Council of the City, by its passage of this Ordinance and the Mayor of the City, by his approval of this Ordinance, hereby collectively certify under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

Approved April 9, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 343

(Council No. 418)

AN ORDINANCE concerning

ISSUANCE OF REVENUE OBLIGATIONS FOR WATER PROJECTS

FOR the purpose of increasing the maximum aggregate principal amount of Revenue Obligations authorized to be issued by the Mayor and City Council of Baltimore pursuant to Ordinance No. 866 (Bill No. 1323) of the Mayor and City Council of Baltimore (approved and effective January 14, 1983) from not exceeding Eighteen Million Dollars (\$18,000,000) to not exceeding Thirty Million Dollars (\$30,000,000).

BY amending paragraph (A) of Section 2 of Ordinance No. 866 (Bill No. 1323) of the Mayor and City Council of Baltimore (approved and effective on January 14, 1983).

RECITALS

Ordinance No. 866 (Bill No. 1323) (the "Ordinance") of the Mayor and City Council of Baltimore (the "City"), approved by the Mayor of the City and effective January 14, 1983, authorizes the issuance from time to time by the City of its Revenue Obligations (as defined in the Ordinance) (the "Revenue Obligations") in order to finance Water Facilities (as defined in the Ordinance) (the "Water Facilities") to be located within the geographical limits of the City.

Because of certain events that have occurred since the passage of the Ordinance which affect the aggregate principal amount of Revenue Obligations which may be required to be issued by the City in order to finance Water Facilities, including (without limitation) an increase in the number of Water Facilities which the City may desire to finance with the proceeds of the sale of Revenue Obligations, the City wishes to enact this supplemental ordinance to increase to Thirty Million Dollars (\$30,000,000) the aggregate principal amount of its Revenue Obligations that may be issued under the Ordinance.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That,* paragraph (A) of Section 2 of Ordinance No. 866 (Bill No. 1323) of the Mayor and City Council of Baltimore, approved and effective January 14, 1983, be and hereby is amended, to read as follows:

"(A) The issuance, sale and delivery of an aggregate principal amount of Revenue Obligations which, when issued, will result in receipt by the City (inclusive of Costs of Issuance, as defined herein) of not exceeding [eighteen million dollars (\$18,000,000)] *thirty million dollars (\$30,000,000)* is hereby authorized for the general public purposes of financing the cost of the Financed Facilities and repaying the City for amounts expended on Financed Facilities in anticipation of the issuance of the Revenue Obligations. This maximum amount may consist of (i) Revenue Notes, (ii) Revenue Bonds, (iii) Refunding Revenue Notes, (iv) Refunding Revenue Bonds, or (v) any combination of items (i) to (iv) above. Any Refunding Obligations issued hereunder to refund any Revenue Obligations previously issued hereunder shall replace that portion of the authorized amount of Revenue Obligations previously issued and shall not be deemed to reduce the maximum authorized amount of Revenue Obligations permitted to be issued hereunder."

SEC. 2. *Be it further ordained, That* Ordinance No. 866 (Bill No. 1323) of the Mayor and City Council of Baltimore, approved and effective January 14, 1983, as amended by this ordinance, shall remain in full force and effect.

SEC. 3. *And be it further ordained, That* this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 344

(Council No. 419)

AN ORDINANCE concerning

ISSUANCE OF REVENUE OBLIGATIONS FOR
WASTEWATER PROJECTS

FOR the purpose of increasing the maximum aggregate principal amount of Revenue Obligations authorized to be issued by the Mayor and City Council of Baltimore pursuant to Ordinance No. 867 (Bill No. 1324) of the Mayor and City Council of Baltimore (approved and effective January 14, 1983) from not exceeding Nineteen Million Five Hundred Thousand Dollars (\$19,500,000) to not exceeding Thirty Million Dollars (\$30,000,000).

BY amending paragraph (A) of Section 2 of Ordinance No. 867 (Bill No. 1324) of the Mayor and City Council of Baltimore (approved and effective on January 14, 1983).

RECITALS

Ordinance No. 867 (Bill No. 1324) (the "Ordinance") of the Mayor and City Council of Baltimore (the "City"), approved by the Mayor of the City and effective January 14, 1983, authorizes the issuance from time to time by the City of its Revenue Obligations (as defined in the Ordinance) (the "Revenue Obligations") in order to finance Wastewater Facilities (as defined in the Ordinance) (the "Wastewater Facilities") to be located within the geographical limits of the City.

Because of certain events that have occurred since the passage of the Ordinance which affect the aggregate principal amount of Revenue Obligations which may be required to be issued by the City in order to finance Wastewater Facilities, including (without limitation) an increase in the number of Wastewater Facilities which the City may desire to finance with the proceeds of the sale of Revenue Obligations, the City wishes to enact this supplemental ordinance to increase to Thirty Million Dollars (\$30,000,000) the aggregate principal amount of its Revenue Obligations that may be issued under the Ordinance.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That,* paragraph (A) of Section 2 of Ordinance No. 867 (Bill No. 1324) of the Mayor and City Council of Baltimore, approved and effective January 14, 1983, be and hereby is amended, to read as follows:

"(A) The issuance, sale and delivery of an aggregate principal amount of Revenue Obligations which, when issued, will result in receipt by the City (inclusive of Costs of Issuance, as defined herein) of not exceeding [nineteen million five hundred thousand dollars (\$19,500,000)] *thirty million dollars (\$30,000,000)* is hereby authorized for the general public purposes of financing the cost of the Financed Facilities and repaying the City for amounts expended on Financed Facilities in anticipation of the issuance of the Revenue Obligations. This maximum amount may consist of (i) Revenue Notes, (ii) Revenue Bonds, (iii) Refund-

ing Revenue Notes, (iv) Refunding Revenue Bonds, or (v) any combination of items (i) to (iv) above. Any Refunding Obligations issued hereunder to refund any Revenue Obligations previously issued hereunder shall replace that portion of the authorized amount of Revenue Obligations previously issued and shall not be deemed to reduce the maximum authorized amount of Revenue Obligations permitted to be issued hereunder."

SEC. 2. *Be it further ordained*, That Ordinance No. 867 (Bill No. 1324) of the Mayor and City Council of Baltimore, approved and effective January 14, 1983, as amended by this ordinance, shall remain in full force and effect.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 345

(Council No. 540)

AN ORDINANCE concerning

FIREMEN'S WIDOWS

FOR the purpose of STRUCTURING A NEW METHOD OF CALCULATION FOR BENEFIT ALLOWANCES FOR ALL WIDOWS AND increasing the benefit allowances received by certain widows who are beneficiaries of the old Fire Department Retirement System.

BY repealing and reordaining with amendments

Article 9—Fire Department and Fire Code

Subtitle—Care of Members of Department

Section 15

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 9—Fire Department and Fire Code

Subtitle—Care of Members of Department

Section 16 and 16A

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, THE WIDOWS WHO ARE BENEFICIARIES OF THE OLD FIRE DEPARTMENT RETIREMENT SYSTEM ARE NOW RECEIVING PENSIONS FROM THE FIRE DEPARTMENT IN AMOUNTS THAT ARE BELOW SUBSISTENCE LEVEL INCOMES; AND

WHEREAS, THE MAYOR AND CITY COUNCIL WANTS TO IMPROVE THE ECONOMIC WELL-BEING OF THESE WIDOWS WHOSE HUSBANDS

PERFORMED YEARS OF DEDICATED SERVICE TO THE CITY AT A TIME WHEN SALARIES WERE A FRACTION OF THOSE RECEIVED TODAY; AND

WHEREAS, THE MAYOR AND CITY COUNCIL WOULD LIKE TO GRANT IMMEDIATE RELIEF WITH ONE LARGE INCREASE IN BENEFITS BUT THE FINANCIAL POSITION OF THE CITY AT THIS TIME REQUIRES A THREE-YEAR PHASE-IN; AND

WHEREAS, IT IS THE INTENT OF THE CITY TO REVIEW THE FISCAL EFFECT OF THESE BENEFIT INCREASES AFTER THE SECOND ROUND OF INCREASES IN JULY 1986; NOW, THEREFORE

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 9—FIRE DEPARTMENT AND FIRE CODE

Care of Members of Department

15. ~~Provisions~~ WIDOWS' BENEFITS

[In the case of members of the Fire Department who died prior to June 7, 1963, with 20 years or more service in said Department and who were not members of either the Employees Retirement System or the Fire and Police Employees Retirement System, the City is authorized and directed, upon application, to pay to unremarried widows of such fire fighters the sum of \$100.00 per month during life or widowhood.

In the case of members of the Fire Department who died prior to June 7, 1963, with 10 years but less than 20 years of service in said Department and who were not members of either the Employees Retirement System or the Fire and Police Employees Retirement System, the City is authorized and directed, upon application, to pay to unremarried widows of such fire fighters the sum of \$75.00 per month during life or widowhood; provided that a fire fighter who had been retired for disability shall be considered as having rendered twenty years or more service;

In the case of members of the Fire Department who died prior to June 7, 1963, with less than 10 years service in said Department and who were not members of either the Employees' Retirement System or the Fire and Police Employees' Retirement System, the City is authorized and directed, upon application, to pay to unremarried widows of such fire fighters the sum of \$50.00 per month during life or widowhood; provided that a fire fighter who had been retired for disability shall be considered as having rendered twenty years or more service.]

Effective with the first day of the first full pay period after July 1, 1985, any surviving widow or eligible children of ~~a member~~ AN EMPLOYEE of the Fire Department who died prior to June 7, 1963 AND WHO WAS NOT A MEMBER OF EITHER THE EMPLOYEES' RETIREMENT SYSTEM OR THE FIRE AND POLICE RETIREMENT SYSTEM, shall receive a revised total benefit

allowance calculated at the rate of not less than 15 percent of the current annual salary of those ~~members~~ EMPLOYEES of the Fire Department ~~or~~ ~~employees of the Fire Department~~ in active service occupying ~~a grade, rank or classification~~ THE SAME POSITION occupied by the deceased member-employee at the time of his retirement. Effective with the first day of the first full pay period after July 1, 1986, any widow or eligible children, as provided in this section, shall receive a total benefit allowance calculated at the rate of not less than 20 percent of current annual salaries. Effective with the first day of the first full pay period after July 1, 1987, and every year thereafter, these widows or eligible children shall receive a total benefit allowance calculated at the rate of not less than 25 percent of the current annual salaries of members and employees in active service. In no event shall any widow or eligible child receive a reduction in total benefit allowance on July 1, 1985, on July 1, 1986 or on July 1, 1987. The payment and continued payment of such increases in total benefit allowance may result from the workings of this paragraph shall be subject to the annual appropriation and payment of the necessary funds by the Mayor and City Council of Baltimore.

The above provisions for benefits shall apply only to a widow who was married to such fire fighter at the time of his death, if he died during his service in the Fire Department, or was married to him before he retired from such service.

In the event of the death or remarriage of such widow the benefits here provided shall continue for the further benefit of any child or children of such fireman under the age of 18. In the case of such children the City may make payments to the widow if she remarries or in case of her death to a suitable guardian of said child or children, whether legally appointed or otherwise. The benefits shall cease entirely when the youngest of said children attains the age of 18.

Any benefit granted under the provisions of this section shall be in lieu of other benefits provided by the City arising out of the service or death of a former member of the Fire Department.

[16. Widows' Benefits.

Notwithstanding any provision to the contrary contained in Section 15, effective with the first day of the first full pay period after July 1, 1975, any widow or eligible children entitled to receive retirement benefits under the provisions of said Section 15 shall receive in lieu thereof a revised total benefit allowance calculated at the rate of twenty-two hundred dollars (\$2,200) per annum, provided that the deceased member had thirty or more years of service. If the deceased member had less than thirty years of service, said widow or eligible children shall receive a reduced proportionate total benefit allowance of not less than the amount per annum determined by dividing the number of years of service by thirty (30) and multiplying the result by the rate of twenty-two hundred dollars (\$2,200); provided that in every case a widow or eligible children who is entitled to receive an increased total benefit allowance of at least four hundred dollars (\$400) per annum over and above the benefits provided for in Section 15. The payment and continued payment of such increases in total benefit allowances as may result from the workings of this paragraph shall be subject

the annual appropriation and payment of the necessary funds by the Mayor and City Council of Baltimore.

16A. Annual increases.

In addition to the provisions contained in Sections 15 and 16 of Article 9 of the Baltimore City Code (1976 Edition), effective with the first full pay period on or after July 1, 1979, any surviving widow who is entitled to receive benefits on or before June 30, 1977, under the provisions of Sections 15 and 16, shall receive a five percent (5%) increase annually over and above the total annual benefit allowance exceed a maximum of \$130.00. provided that the deceased member had twenty-five (25) or more years of Service. If the deceased member had twenty-five (25) years of Service, such widow's annual increase of \$130.00 shall be reduced, pro rata, by each year and the decimal proportion of a year that the deceased Member's Service was less then twenty-five (25) years. The payment and continued payment of such increases in total benefit allowances as may result from the workings of this paragraph shall be subject to the annual appropriation and payment of the necessary funds by the Mayor and City Council of Baltimore.]

SEC. 2. *And be it further ordained, That this ordinance shall take effect on July 1, 1985.*

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 346

(Council No. 541)

AN ORDINANCE concerning

POLICE DEPARTMENT—WIDOWS

FOR the purpose of STRUCTURING A NEW METHOD OF CALCULATION FOR BENEFIT ALLOWANCES FOR ALL WIDOWS AND increasing the benefit allowances received by certain widows who are beneficiaries of the old Police Department Retirement System.

BY repealing and reordaining with amendments

Article 22—Retirement System

Subtitle—Police Department, Special Fund

Section 44(a)

Baltimore City Code (1983 Replacement Volume, as amended)

BY repealing

Article 22—Retirement Systems

Subtitle—Police Department, Special Fund

Section 44(b)

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, THE WIDOWS WHO ARE BENEFICIARIES OF THE POLICE DEPARTMENT RETIREMENT SYSTEM ARE NOW RECEIVING PENSIONS FROM THE POLICE DEPARTMENT IN AMOUNTS THAT ARE BELOW SUBSISTENCE LEVEL INCOMES; AND

WHEREAS, THE MAYOR AND CITY COUNCIL WANTS TO IMPROVE THE ECONOMIC WELL-BEING OF THESE WIDOWS WHOSE HUSBANDS PERFORMED YEARS OF DEDICATED SERVICE TO THE CITY AT A TIME WHEN SALARIES WERE A FRACTION OF THOSE RECEIVED TODAY; AND

WHEREAS, THE MAYOR AND CITY COUNCIL WOULD LIKE TO GRANT IMMEDIATE RELIEF WITH ONE LARGE INCREASE IN BENEFITS BUT THE FINANCIAL POSITION OF THE CITY AT THE PRESENT TIME REQUIRES A THREE-YEAR PHASE-IN; AND

WHEREAS, IT IS THE INTENT OF THE CITY TO REVIEW THE FISCAL EFFECT OF THESE BENEFIT INCREASES AFTER THE SECOND ROUND OF INCREASES IN JULY 1986; NOW, THEREFORE

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, Maryland, that Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:*

ARTICLE 22 - RETIREMENT SYSTEMS

Police Department, Special Fund

44. Widows' benefits.

(a) Notwithstanding any provision to the contrary contained in Section 16-20 of Article 16 of the Code of Public Local Laws of Baltimore City ([1969] 1980 Edition), title "Police Department," subtitle "Special Fund," effective with the first day of the first full pay period after July 1, [1975] 1985, any widow or eligible children entitled to receive benefits under the provisions of said Section 16-20 of Article 16 of the Code of Public Local Laws of Baltimore City ([1969] 1980 Edition), title "Police Department," subtitle "Special Fund," shall receive a total benefit allowance calculated at the rate of not less than [twenty-two hundred dollars (\$2,200) per annum.] 15 percent of the current annual salary of the members of the police force or other employees of the Police Department in active service ~~occupying a~~ IN THE HIGHEST STEP OR FLAT SALARY, EXCLUDING LONGEVITY OR MERIT INCREASES, OF THE grade, rank, or classification occupied by the deceased member or employee at the time of retirement. Effective with the first day of the first full pay period after July 1, 1986, any widow or eligible children, as provided in this section, shall receive a total benefit allowance calculated at the rate of not less than 20 percent of current annual salaries. Effective with the first day of the first full pay period after July 1, 1987, and every year thereafter, these widows and eligible children shall receive a total benefit allowance calculated at the rate of not less than 25 percent of current annual salaries of members and employees in active service. In no event shall any widow or eligible child receive a reduction in total benefit allowance on July 1, 1985, on July 1, 1986, or on July 1, 1987. The payment and continued p

ment of such increases in total benefit allowances as may result from the workings of this paragraph shall be subject to the annual appropriation and payment of the necessary funds by the Mayor and City Council of Baltimore.

[(b) In addition to any other provisions contained in this Section 44, effective with the first full pay period on or after July 1, 1979, any surviving widow entitled to receive benefits on or before June 30, 1977, under the provisions of Section 16-26 of Article 16 of the Code of Public Local Laws of Baltimore City (1969 Edition), title "Police Department," subtitle "Special Fund," shall be entitled to receive a five per cent (5%) increase annually over and above the total annual benefit allowance such widow was receiving on June 30, 1977, not to exceed a maximum of \$130.00, provided that the deceased Member had twenty-five (25) or more years of Service. If the deceased Member had less than twenty-five (25) years of Service, such widow's maximum annual increase of \$130.00 shall be reduced, pro rata, by each year and the decimal proportion of a year that the deceased Member's Service was less than twenty-five (25) years. The payment and continued payment of such increases in total benefit allowances as may result from the workings of this paragraph shall be subject to the annual appropriation and payment of the necessary funds by the Mayor and City Council of Baltimore.]

SEC. 2. *And be it further ordained*, That this ordinance shall take effect July 1, 1985.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 347

(Council No. 582)

AN ORDINANCE concerning

URBAN RENEWAL—MARKET CENTER WEST—AMENDMENT NO. 1

FOR the purpose of amending the Urban Renewal Plan for the Market Center West Urban Renewal Area to expand the project boundary to incorporate the Loft District and University of Maryland, Baltimore Campus Project No. I, II, and III, and the Community Mental Health Urban Renewal Areas, along with certain properties located amid these Areas, but which are not part of any designated renewal area; delete a small area west of Martin Luther King, Jr. Boulevard and add a small area east of the Boulevard which is currently part of the Poppleton Urban Renewal Area; authorize the acquisition of certain properties by purchase or by condemnation; recommend closing of certain streets; create and/or modify certain disposition lots for industrial, commercial, mixed, residential, or public use; provide and/or modify standards and controls for certain disposition lots; change the land use of certain properties; revise the language in the Zoning Section of the Plan; revise and/or clarify certain provisions of Appendix A attached to the Plan and provide a penalty for

violation of these provisions; revise and/or delete certain Exhibits attached to said Urban Renewal Plan to reflect changes provided herein; waive such requirements, if any, as to content or procedure for the preparation, adoption and approval of Renewal Plans as set forth in Article 13 of the Baltimore City Code which the Renewal Plan for Market Center West may not meet; provide for the separability of the various parts and applications of this Ordinance; provide that where the provisions of this Ordinance shall conflict with any other public laws, the provisions which establishes the higher standard shall prevail; and provide for the effective date hereof.

WHEREAS, as Urban Renewal Plan for Market Center West was approved by the Mayor and City Council of Baltimore by Ordinance No. 100, dated June 19, 1984; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume), no substantial change or changes shall be made in any renewal plan after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of renewal plans, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Renewal Plan for Market Center West make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Market Center West; and

WHEREAS, it is necessary and desirable to reorganize and consolidate the above mentioned urban renewal areas and related non-urban renewal area properties within a single, geographically unified Urban Renewal Project, generally bounded by Franklin and Baltimore Streets on the north, Martin Luther King, Jr. Boulevard on the west, Washington Boulevard and Pratt and Lombard Streets on the south, and Hopkins Place and Paca and Greene Streets on the east; and

WHEREAS, said amended Renewal Plan for Market Center West has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity as to the rules and regulations for subdivisions, and its conformity to existing and proposed zoning classifications; and the said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore, by the Commissioner of the Department of Housing and Community Development, now, therefore.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That the amended Urban Renewal Plan for Market Center West identified as "Urban Renewal Plan, Market Center West . . . revised to include Amendment No. 1, dated October 1, 1984", is hereby approved and the Clerk of the City Council is*

hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 2. *And be it further ordained*, That the boundaries of Market Center West Urban Renewal Area shall be revised to include the Loft District Urban Renewal Project, as established under Ordinance 403, dated July 22, 1977, as amended; the University of Maryland, Baltimore Campus Project No. I, MD-R-8, as established under Ordinance 391, dated June 27, 1960, as amended; the University of Maryland, Baltimore Campus Project No. II, MD R-9, as established under Ordinance 913 dated July 3, 1961, as amended; the University of Maryland, Baltimore Campus Project No. III, MDR-25 as established under Ordinance 235, dated June 3, 1964, as amended, and certain properties located amid these Areas, but which are not part of any renewal area, such areas are hereby subject to the Market Center West Urban Renewal Plan approved in this Ordinance. Therefore, Section 1 of Ordinance 100, dated June 19, 1984, is hereby amended to read as follows:

Beginning for the same at the point formed by the intersection of the east side of Paca Street, as now laid out 80 feet wide, and the south side of Franklin Street, as now laid out 66 feet wide, thence binding on the east side of said Paca Street, southerly 743 feet, more or less, to intersect the south side of Saratoga Street, as now laid out 66 feet wide, thence binding on the south side of said Saratoga Street, westerly 392 feet, more or less, to intersect the east side of Greene Street, as now laid out 66 feet wide, thence binding on the east side of said Greene Street, southerly 850 feet, more or less, to intersect the center line of Fayette Street, as now laid out 66 feet wide, thence binding on the center line of said Fayette Street, *easterly 361 feet more or less, to intersect the center line of Paca Street, as now laid out 82 feet wide, thence binding on the center line of said Paca Street, southerly 490 feet, more or less, to intersect the north side of Napoleon Alley, thence binding on the north side of Napoleon Alley easterly 340 feet, more or less, to intersect the west side of Eutaw Street as now laid out 82 feet wide, thence binding on the west side of Eutaw Street northerly 62 feet, more or less to intersect the south side of Baltimore Street as now laid out 72 feet wide, thence binding on the south side of Baltimore Street easterly 340 feet, more or less, to intersect the west side of Hopkins Place as now laid out 152 feet wide, thence binding on the west side of Hopkins Place southerly 567 feet, more or less, to intersect the north side of Lombard Street, as now laid out 68 feet wide, thence binding on the north side of Lombard Street westerly 1102 feet to intersect the east side of Paca Street as now laid out 82 feet wide, thence binding on the east side of Paca Street southerly 578 feet, more or less, to intersect the line of the northwest side of Washington Boulevard, if projected northeasterly, thence reversely 505 feet, more or less, on last said projected line, on the northwest side of Washington Boulevard to intersect the east side of Greene Street as now laid out 66 feet wide, thence binding on the east side of Greene Street northerly 431 feet, more, or less, to intersect the north side of Pratt Street as now laid out 72 feet wide, thence binding on the north side of Pratt Street 1230 feet, more or less, to intersect the centerline of Martin Luther King Boulevard as now laid out 240 feet wide, thence binding on the centerline of Martin Luther King Boulevard northerly 630 feet, more or less,*

[westerly 300 feet, more or less, to intersect the west side of Pearl Street, as now laid out 62 feet wide, thence binding on the west side of said Pearl Street, northerly 296 feet, more or less, to intersect the north side of the parcel known as 132 Pearl Street, thence binding on the north side of parcel known as 132 Pearl Street, westerly 38 feet, more or less, to intersect the west side of a parcel known as 619 Lexington Street, thence binding on the west side of the parcel known as 619 Lexington Street northerly to intersect the north side of a 3-foot alley which lies 52 feet from the south side of Lexington Street, thence binding on the north side of said 3-foot alley westerly 125 feet, more or less, to intersect the west side of Arch Street, as now laid out 20 feet wide, thence binding on the west side of said Arch Street southerly 100 feet, more or less to intersect the north side of Vine Street, as now laid out 36 feet wide, thence binding on the north side of said Vine Street westerly 505 feet, more or less, to intersect the west side of Pine Street, as now laid out 50 feet wide, thence binding on the west side of said Pine Street southerly 650 feet, more or less) to intersect the south side of Baltimore Street, as now laid out 70 feet wide, thence binding on the south side of said Baltimore Street westerly [480] 100 feet, more or less, to intersect the west side of Martin Luther King, Jr. Boulevard [right-of-way line], thence binding on the west side of said Martin Luther King, Jr. Boulevard [right-of-way] northerly 2090 feet, more or less, to intersect the south side of Franklin Street, as now laid out 66 feet wide, thence binding on the south side of said Franklin Street easterly 1620 feet, more or less, to the point of beginning.

SEC. 3. *And be it further ordained*, That it is necessary to acquire by purchase or condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to the following properties or portions thereof, together with all right, title, interest and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

612 W. Fayette Street
614 W. Fayette Street
616 W. Fayette Street
14 S. Howard Street
16 S. Howard Street
18-20 S. Howard Street
32 S. Howard Street
34-36 S. Howard Street
38 S. Howard Street
40 S. Howard Street
300-302 W. Lombard Street
304 W. Lombard Street
305 W. Redwood Street
307-309 W. Redwood Street
311 W. Redwood Street
313 W. Redwood Street
315-517 W. Redwood Street
319 W. Redwood Street

321 W. Redwood Street
323-325 W. Redwood Street
327 W. Redwood Street

SEC. 4. *And be it further ordained*, That it is hereby recommended that (1) a portion of the 100 block Pearl Street, approximately 15 feet, plus or minus, above street grade be closed in connection with the proposed development of a parking garage; and (2) the 300 blocks of W. Redwood Street and Cider Alley be closed in connection with the proposed development of a bus terminal/parking garage.

SEC. 5. *And be it further ordained*, That the proceedings of the Department of Public Works with reference to the closing of said streets and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with any and all applicable provisions of Article 4 of the City Code of public local laws of Maryland and the City Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules and regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 6. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5 of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this Ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Division, person or persons is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation, the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 7. *And be it further ordained*, That certain existing disposition lots shall be modified and certain new disposition lots for industrial, commercial, mixed, residential, or public use shall be created, all as shown in the amended Urban Renewal Plan on Exhibit 2, Property Acquisition/Land Disposition, dated as revised October 1, 1984.

SEC. 8. *And be it further ordained*, That the standards and controls provided and/or modified for certain disposition lots, as contained in the amended Urban Renewal Plan under Section E.4.(b), dated as revised October 1, 1984 are hereby approved.

SEC. 9. *And be it further ordained*, That the changes in land use of certain properties, as shown on Exhibit 1, Land Use Plan, dated as revised October 1, 1984, are hereby approved.

SEC. 10. *And be it further ordained*, That Section K of the Urban Renewal Plan entitled "Zoning" be amended to read as follows:

"All appropriate provisions of the Zoning Ordinance of Baltimore City shall apply to properties within the project area. Any change in the Zoning Ordinance embodied in this Urban Renewal Plan, and designated on Exhibit 3, Zoning Districts, shall be approved by ordinance in accordance with the procedural requirements of the Zoning Ordinance and Article 66-B of the Annotated Code of Maryland (1957 Edition, as amended)."

SEC. 11. *And be it further ordained*, That Appendix A of the Urban Renewal Plan shall be revised. Therefore, Page 5, lines 35-48 through Page 16, lines 1-17 of Ordinance 100, dated June 19, 1984, are hereby amended to read as follows:

Over and above the codes and ordinances of Baltimore City, the following additional provisions shall be applied to all exterior improvements to existing properties, whether occupied or vacant, *and new construction* within Market Center West. These provisions should in no way discourage creative and innovative design so long as the design proposal is in harmony with the broad intent of the Renewal Plan. Such creative and innovative designs may be submitted to the Department of Housing and Community Development for review and, at the sole discretion of the Commissioner of the Department of Housing and Community Development, approval of such designs, including exceptions to the following provisions, may be granted. Nothing in the following provisions shall be construed to permit any construction, alteration, change, repair, use or sign or any other matter otherwise forbidden, restricted, or controlled by any other public law except as specifically noted. All work performed in compliance with the Renewal Plan shall be done in a workmanlike manner and according to accepted standards of the building trades. Materials used in making repairs shall be of quality suitable for the purpose [and of a kind normally used to accomplish the required repairs].

A. Rehabilitation of Existing Buildings

1. General

a. *All existing buildings must be in conformance with the following rehabilitation standards within one year of the effective date of this Ordinance No. , as specified under Section III below.*

b. *The rehabilitation objective is to retain and, where possible to recapture the original character of the building. Cleaning, repairing, refinishing, and where necessary, replacement of masonry, cornices, storefronts, windows, doors, stoops and other elements on the exterior is generally required. Covering and painting of facades is not permitted, unless the condition of masonry warrants it.*

c. *Where a building facade has been altered through the use of enclosing or covering material(s), the recapture of original character by removing applied materials, and repairing and refinishing the original facade is generally required.*

d. *In cases where the first floor facades, especially storefronts, have undergone substantial changes and it is very difficult to duplicate the original design and materials, a new storefront design with materials different from the original may be necessary. To the extent possible, salvageable elements such as*

pilasters, columns or cornice should be incorporated in the redesign. Window openings should be included in the redesign and large blank wall areas should be avoided. The new first floor designs should be compatible with original building proportions and materials. Durability and ease of maintenances should also be considered.

e. All buildings shall be maintained in good repair.

2. [1.] Exterior Walls (front, side, and rear)

a. All of the exterior walls of structures located in the Project Area shall be included in this requirement.

b. All exposed and visible surfaces shall be repaired, cleaned or painted to present an acceptable appearance.

[c. All colors and color schemes used in the Project Area shall be compatible with the design of the buildings in the Area.]

[d. All defective structural and decorative elements of building fronts and sides abutting streets shall be repaired or replaced in a workmanlike manner to match as closely as possible the architecture of that building. All damaged, sagging, or otherwise deteriorated storefronts, signs, show windows, or entrances shall be repaired or replaced.]

[e. All miscellaneous unused elements on the exterior walls of the structures such as empty electrical boxes, conduits, pipes, unused sign brackets, etc, shall be removed.]

(1) [f.] All exterior walls which have not been wholly or partially resurfaced or built over shall be repaired and cleaned or painted in an acceptable manner. Brick walls shall be pointed where necessary to match existing bond. Painted masonry walls shall have loose material removed and be painted a single color except for trim or decorative details which may be another color. Surfaces shall be painted with products, and employing application methods that will prevent early deterioration. Patched walls shall match the existing adjacent surfaces as to materials, color, bond and joining. Cleaning of masonry walls by means of sandblasting shall not be permitted, except where sandblasting is determined by the Commissioner of the Department of Housing and Community Development to be the only feasible means of surface cleaning of masonry and where, in his opinion, it will not cause damage to historic building materials.

(2) [g.] All brick and concrete block walls shall be cleaned, repaired, and repointed as required. Brick walls shall be either preserved in their natural state or painted a color compatible with neighboring structures. Unfinished concrete block walls shall be painted.

(3) [h.] All natural stone walls shall be cleaned, repaired, and pointed.

(4) [i.] All stucco surfaces shall be cleaned and repaired. Repaired and new stucco surfaces shall have a continuous and even finish, with no patching visible.

(5) [j.] No new formstone finishes shall be permitted. All defective formstone finishes shall be removed and the walls behind them restored.

[k. Existing wood siding material, in sound condition and permissible under the Baltimore City Building Code, shall be cleaned, stripped, and painted. All other wood siding shall be removed. All siding hiding or covering the original building above the sign area shall be removed. Real or simulated wood shakes are not considered to be compatible with this renewal area and new applications of these materials will be not permitted.]

(6) Wood, metal, vinyl or other siding covering the original architecture is not considered to be compatible with this renewal area. New applications of these materials will not be permitted; existing covering materials shall be removed.

[l. Existing metal siding which is undamaged, structurally sound and permissible under the Baltimore City Building Code shall be kept bright, clean, in a good state of repair, or painted a color compatible with the colors of the neighboring structures. All other metal siding shall be removed. All siding hiding or covering the original building above the sign area shall be removed. Metal siding shall be limited to the street level and shall not cover more than 25% of the total front. The metal shall be of sufficient Gauge, thickness and finish quality to prevent denting, scratching and discoloration through normal wear and tear.]

(7) Structures that are attached or unattached to the rear of the principal structure and which are structurally deficient, shall be properly repaired or demolished.

c. All defective structural and decorative elements of building fronts and sides abutting streets shall be repaired or replaced to match as closely as possible the architecture of the building. All damaged, sagging, or otherwise deteriorated storefronts, signs, show windows, or entrances shall be repaired or replaced.

(1) [m.] All gutters and rain water leaders must be in good condition and shall be repaired or replaced as necessary and shall be neatly located and securely installed. Gutters and down-spouts shall be prepainted, baked enamel, non-ferrous material or painted and shall be compatible with the other building colors.

(2) [n.] All cornices, upper floor windows, storefronts and all other portions of a building containing metal or wood trim shall be made structurally sound. Rotten, rusted, or weakened portions shall be restored, where feasible, or replaced to match as closely as possible the original architecture. All exposed metal or wood shall be painted or stained, or otherwise treated for protection. The removal of cornice work, without prompt replacement of approved design, will not be permitted.

(3) [o.] Walls, ledges, cornices, sills and other projections shall be kept clean of bird droppings and may be provided with deterrent devices to protect them from soiling by birds.

(4) [p.] No new mechanical equipment such as exhaust fans, vents and air conditioning units shall be allowed to project through building fronts or sides facing streets unless suitably concealed.

(5) All unused elements on the exterior walls of the structures such as empty electrical boxes, conduits, pipes, unused sign brackets, etc., shall be removed.

d. All color schemes used shall be harmonious and compatible with the colors of buildings in the immediate area.

3. [2.] Roofs

a. All roof mounted signs and unused roof hardware shall be removed.

b. Roofs shall be kept free of trash, debris, or any other element which is not a permanent part of the building or a functioning element of its mechanical or electrical system.

c. Television and radio antennae shall be located so as to be as inconspicuous as possible as viewed from the sidewalk across the street.

d. Rooftop mechanical equipment shall be located far enough back from the edge of the roof so that it cannot be seen from the sidewalk across the street, either in front of or to one side of the building. Functional equipment may be retained until major repair or replacement of the equipment becomes necessary, at which time it shall be repositioned as above. All mechanical equipment shall be painted with a flat paint in a color compatible with the color of the front of the building upon which it is located to minimize visibility.

e. Any mechanical equipment placed on a roof shall be so located as to be hidden from the streets, and to be as inconspicuous as possible from other viewpoints. New equipment shall be screened with suitable elements of a permanent nature and finished so as to be compatible with the rest of the building. Where such screening is unfeasible, equipment shall be installed in a neat, presentable manner and shall be painted in such a manner as to minimize its visibility.

f. All chimneys, elevator penthouses or other auxiliary structures on the roofs shall be clean and in good repair. All deteriorated masonry chimneys shall be either removed or restored. All future metal chimneys shall be located so that they cannot be seen from the sidewalk across the street either in front of, or to one side of, the building.

g. Flashing visible from the sidewalk must be neat and free of pitch. Visible flashing shall be painted to match the surface of the wall and/or roof.

h. For pitched roofs visible from the sidewalk across the street additional roof requirements shall apply:

(1) The finished roofing material shall be clean and in good state of repair.

(2) The finished roofing material shall be limited to one of the following:

- Flat or standing seam natural or painted sheet metal roofing
- Asphalt shingle or clay tile
- Slate

(3) The finished roofing material shall have a color compatible with the building color scheme.

(4) Dormers shall be compatible with the design of the building's street facade. The finish materials and colors shall be compatible with both the roof and facade of the buildings.

(5) Skylights and solar panels shall be of low profile and all metal parts shall match the roofing material.

4. [3.] Windows

[a. Windows not in the front of the buildings shall be kept properly repaired or, with Fire Department approval, may be sealed, in which case, sills, lintels, and frames must be removed and the opening properly closed to match the material design and finish of the adjacent wall, or other solution satisfactory to the Department.]

a. [b.] All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins shall be replaced. All broken and missing windows shall be replaced with glass or approved clear plastic glazing. All exposed wood shall be repaired and painted.

b. [c.] Window openings in upper floors of the front and all visible sides of the building shall not be filled, boarded up or covered by any signs. Windows in upper floors may be backed by suitable curtains, blinds, interior wood shutters, or other approved materials. Where this treatment is not feasible, window glass may be painted. When glass is painted, mullions shall be a contrasting color. Window glass at street level shall not be painted over entirely.

c. *Only rear and non-visible side windows may be closed, with fire department approval. Sills, lintels, and frames must be removed and the opening properly closed to match the material, design, and finish of the adjacent wall, or other solution satisfactory to the Department.*

d. The use of shutters shall not be allowed in cases where shutters would not be compatible with the architecture of the building.

e. All of the windows in a single facade shall be of matching design. All window openings shall have the same height and width they did at the time that the wall in which the openings are located was originally built. Filling in these openings at the top, bottom, or sides is not permitted. The following additional requirements shall apply for all new windows:

(1) All windows shall have frames, sash, and mullions of a material, design, and color appropriate to the architecture of the building. Wherever possible, the original number of window lights shall be retained.

(2) All windows, frames, and mullions shall be kept in good repair and properly painted.

(3) Ornamental windows, grilles, and false balconies may be incorporated as a decorative or security device.

(4) The lintels over windows shall be preserved or restored. Rotten

wood lintels shall be replaced with steel lintels concealed behind a wood facing. Brick archwork and stone lintels shall be restored.

(5) Window sills shall be preserved, replaced, and restored to match the original design of the building.

(6) Installation of exhaust fans, vents, and air conditioning units in front windows is not allowed; however, where there is no other alternative, the unit shall be painted in a color that makes it as inconspicuous as possible or shall otherwise be suitably screened.

5. [4.] Storefronts

a. A storefront as a part of the building facade shall be defined to include:

(1) The building face and the entrance area leading to the door.

(2) The door, sidelights, transoms, show windows, display platforms, devices including lighting and signing designed to be viewed from a public right-of-way and/or the areas visible to the public prior to entering the interior portion of the structure.

b. All elements of the storefront including marquees, awnings, show windows, entrances, signs, lighting, sun protection, security grilles, etc., shall be compatible with the architecture of the building. All such elements shall be located no higher than one inch below the second story window sill line. New metal awnings shall not be permitted.

[c. All extraneous and unused hardware, signing, and equipment shall be removed.]

[d. All broken, rotten, or damaged elements shall be removed and replaced with elements that are compatible with the architecture of the building. All damaged, sagging, or otherwise deteriorated storefronts, show windows, or entrances shall be repaired or replaced. The practice of "patching" or layering materials one on top of the other is not permitted. Damaged parts shall be replaced so as to be undetectable as replacement parts.]

c. [e.] At such time as sign panels covering or replacing store cornices are removed, the cornice shall be restored or replaced.

[f. Materials used on storefronts shall be compatible with the architecture of other buildings in the renewal area as well as other materials used on the building itself. Other factors such as durability, ease of maintenance and historical compatibility of materials shall be considered in relation to future material installations. Material not approved by the Department shall not be permitted for any future use. All such materials now in use shall be kept in good repair or shall be removed.]

[g. Soft Awnings

(1) Existing retractable awning boxes or fixed awning hardware on storefronts shall be reconditioned to accommodate a new awning which shall be compatible with the building design. Torn, frayed, faded or dirty awnings shall be reconditioned, repaired, cleaned, or replaced.

(2) Awnings are to be installed along the full width of existing awning boxes and frames and on upper floors over windows only.

(3) The color of the material and any graphics or striping shall be compatible with the building architecture.

(4) Fixed awnings shall have a fall sufficient to shed a snow load. A 6-inch fall for every foot should be the minimum.

(5) Awnings shall not be designed so as to prevent vehicular movements at the curb or to interfere with improvements to the public right-of-way such as street lights, landscaping, and street furniture. Awnings shall not be lower than eight (8) feet above the sidewalk, and one (1) foot inside the curb and shall otherwise conform with the provision of the City Ordinances.

(6) Street level awnings shall terminate against the building at a height not to exceed one inch below the second floor window sill or no higher than the bottom of a first floor cornice, unless it exists as a part of the cornice.]

[h. Security screens, grates, bars, and grilles shall be designed to be as inconspicuous as possible. They shall be constructed of non-ferrous material or kept painted and free of rust. Non-metal grilles and screens shall be prohibited. Enclosures and housings for security grilles and screens shall be painted and compatible with the architecture of the storefront and the facade or hidden from view as an integral part of a sign or awning. All screens and grilles shall be totally opened or removed during the normal business hours. No signs or product advertising shall be permitted on grilles or grille housings.]

d. [i.] Solid or permanently enclosed or covered storefronts or painted show windows or show windows replaced by solid materials shall not be permitted unless treated architecturally as an integral part of the building facade and compatible with these standards. Where the window treatment of the first floor is to be modified, these new window openings shall not be smaller in size than the openings of the second or third floor windows. These new windows shall be compatible with the upper windows in the structure.

e. [j.] New storefronts that project beyond the property lines of the stores are not permitted. Where the original front is behind the property line and where a new projecting front would not be disruptive to adjacent stores and is compatible with the building architecture, a new front may be installed up to the property line.

[k. All new storefronts shall provide a street side hose bibb to provide water for storefront and sidewalk cleaning and to aid in watering street trees.]

f. [l.] Doorways and Entrances – In cases where there are doorways to buildings that are not incorporated in the storefront, the character of the original doorway shall be preserved, where possible. The original style of these doorways, if possible, shall be incorporated into the design of the remodeled storefront. The following additional requirements shall apply to all doorways and entrances.

(1) Storm and screen doors and hardware visible from the outside shall be compatible with entrance doors.

[(2) Any grilles, bars, and grates covering doors or windows shall be designed to be compatible with the architecture of the building and of the neighboring structures.]

(2) [(3)] Where steps or stoops are required at a doorway or entrance, they shall be designed to match the original design. [In cases where there are more than two risers, the steps or stoops shall be provided with a railing of compatible design.]

[(4) Doorways and entrances shall be designed with consideration for the needs of the handicapped and the elderly.]

[m. Each store is required to display a postal address number on the storefront. The number size, style, location shall be designed so that it is easily visible from the center line of the street.]

[n. Footways adjacent to all properties within the Project Area boundaries shall be maintained in a manner consistent with applicable Baltimore City Codes and Ordinances. In addition, when required, footways shall be repaired or replaced to present a neat and even appearance and in a manner that is compatible with the materials, design and finish of adjacent footway surfaces including specially designed and installed sidewalk, plaza and mall paving.]

[o. This Plan encourages the use of adjacent footways for sidewalk cafes (outdoor table service) with or without awnings, where accessory to a restaurant use. A clear walkway not less than four (4) feet in width shall be maintained in accordance with provisions of City Ordinances.]

B. New Construction and Expansion of Existing Structures

1. Expansion of Existing Structures

a. Vertical expansion of existing structures is discouraged unless it is possible to duplicate the architectural character and material of the existing building. Rooftop recreational or other facilities with low visibility from the sidewalk across the street are permissible.

b. Horizontal expansion of existing structures need not duplicate existing architectural character or materials, but should be compatible with both. The guidelines for new buildings below should be met.

2. Construction of New Buildings

a. It is important that new buildings be compatible with surrounding buildings in terms of building setback, mass, proportions, and materials.

(1) Older buildings typically have a well defined base, shaft, and crown. New buildings may be more contemporary in style, but building base, shaft, and crown should generally be articulated. Matching the base height of adjacent buildings as well as the proportions and/or placement of windows in adjacent buildings is also encouraged.

(2) The use of brick and stone is strongly encouraged. Reflective materials such as metal and glass shall not be used as the dominant building material.

(3) In the Loft District bulky building masses are characteristic. Building heights of 5 to 9 stories and 90-100% coverage are encouraged.

b. Architectural details and pedestrian interest should be provided, especially at street level.

(1) Large expanses of blank facade shall not be permitted. Architectural detailing should be used to accentuate the buildings entrance and base. Variations in materials or building plane can also be used to provide visual interest.

(2) Creative adaptation of interesting architectural details from nearby buildings is encouraged for continuity.

(3) Restaurants, cafes, shop windows, planting and artwork are encouraged to provide pedestrian interest and activity on the street.

c. Parking structures must be carefully designed to avoid both incompatibility with the scale of adjacent buildings and the creation of large expanses of dead space at street level. Incorporation of retail space, planting, murals or other artwork is encouraged.

d. All new buildings shall provide a street side hose bibb to provide water for storefront and sidewalk cleaning and to aid in watering street trees.

C. Standards Applicable to both Rehabilitation and New Construction

1. [5.] Signs

All new signs shall be in accordance with the Zoning Ordinance of Baltimore City and subject to the requirements for a minor privilege. In addition, the following provisions shall apply.

a. All signs not conforming to these regulations shall be removed [at the time rehabilitation work is undertaken. All other signs must be removed] within twelve months after the passage of the ordinance approving this Plan, except billboards larger than sixty square feet. All those billboards larger than sixty square feet shall be removed only in the event they are: 1. located on, 2. across the street, alley or footway from, 3. diagonally across from, or 4. adjacent to any development site. "Development site" for the purpose of this Plan shall be defined as any public or private development, redevelopment, rehabilitation, construction, improvement or other investment the aggregate cost of which exceeds \$200,000 (Two Hundred Thousand Dollars)." No lease for billboard signs expiring after enactment of this Plan may be renewed. No new billboards shall be permitted.

b. Size, shape, letter style(s), colors, and method of installation of all signs shall be compatible with the architecture of the building and the neighboring structures. Design of signs by graphic designers is encouraged. This Plan requires that design drawings of all proposed signs and showing their location on the building facade shall be submitted to the Department for approval prior to fabrication and installation.

c. Materials employed for construction of signs shall be durable and weather resistant, shall be fabricated and installed by qualified and experienced mechanics, and shall be maintained in good repair.

d. Placement of signs shall be restricted to the first floor only, placed no higher than the bottom of the second story window sill, where windows exist, and the sign bottom shall be directly above the storefront or awning/security enclosure. Signs shall be designed in a manner so that they do not interfere with important architectural details (e.g., window, cornices, carved friezes, arches) of the buildings. Placement entirely on a flat portion of facade or an area entirely within the confines of an opening and lined up with architectural details of elements is required. Upper floor signs are contrary to the intent of this Plan. However, in special circumstances, signs may be placed on upper floors if it is determined that there is no prudent means of accommodating the signs on the first floor consistent with these provisions or as special exceptions approved by the Department.

e. "Temporary signs" may be displayed within storefront windows only provided that these signs do not cover more than 20% of the area of the window in which they are displayed and are on display not more than thirty consecutive days.

f. Signs shall be permitted at rear entrance and delivery doors, but shall not exceed two square feet in area and may be illuminated.

g. *A non-projecting sign not exceeding sixteen square feet in area may be used to identify parking and loading areas.*

h. [g.] If a projecting sign to indicate the location of a parking or parking lot entrance is to be provided, one such sign for each garage or lot entrance shall be permitted and the sign be a Department-approved standardized letter "P" and arrow.

i. [h.] Signs in the form of letters, symbols or other graphics may be incorporated in the design of any awning included in the design of a storefront, provided such signs are compatible with the architecture of the building and the awnings.

j. [i.] Signs may be painted on the inside surface of upper floor and storefront show windows and sign panels may be hung inside the show window. These signs must be designed to be compatible with the architecture of the facade.

k. [j.] Signs shall be incorporated in the design of the storefront and shall not project more than 12" except where a sign will serve to hide a security grille enclosure which exists beyond the primary surface of the building. If the storefront design includes a cornice, the sign may be incorporated in the cornice design. If a storefront cornice is not appropriate for a sign, or there is no cornice, the sign may be placed either in the store window or on the portion of the building facade above the store window/cornice and below the sill of the second floor windows. Signs which are an integral part of the building structure and compatible with the original architecture of the building are permitted.

l. [k.] Painted signs on building surfaces or use of separate cutout letters shall be permitted in accordance with these provisions.

m. [l.] Neon tube signs are permitted above a show window and on the inside of and behind show windows as provided for herein and as provided for in "Lighting" in this Plan.

n. [m.] Flags and banners, conforming to existing City Ordinances, may be displayed on a temporary and permanent basis so long as the poles are maintained in good condition and the material is not faded, torn, or frayed.

o. [n.] Roof top signs, signs above the parapet of a building, billboards, or other outdoor advertising signs painted or mounted on structures other than billboards, except as otherwise herein provided, shall not be permitted. All existing rooftop and facade mounted sign brackets and hardware shall be removed.

p. [o.] Flashing or moving signs other than barber poles shall not be permitted.

[p. No signs, projecting more than 12", will be permitted to be mounted to the face of any building, such existing signs shall be removed as provided for in "Section III. Compliance" of the Renewal Plan.]

q. No marquees shall be allowed on buildings other than operating theatres or hotels. When such building is rehabilitated, an existing marquee shall be redesigned so that it is compatible with the architecture of the building.

r. Super graphics, [or] murals, and *neon friezes* are a special form of out-door art and the Department may permit their application upon submission and approval of full color drawings of the intended *design*. [super graphic or mural on wall surfaces that are predominantly blank, except on buildings designated of either historic or architectural significance.] The application should be appropriate to the use, activity or theme of a building or place. Such *artwork* [super graphics or murals] shall be designed by recognized professional graphic artists, artists or designers.

s. The Department may permit freestanding signs and sign kiosks on the sites where buildings are set back from their property lines upon submission and approval of site plans and sign design drawings.

2. [6.] Lighting

a. Exterior lighting shall be limited to lighting fixtures designed to be in harmony with the character of the buildings and the street. Such fixtures shall be mounted in the entrance ways or on the [front] facade of the building. [Flood lighting, concealed above a shopfront cornice, may be used to light the facades of buildings except where the upper floors are in residential use.] Lighting of the shops will be encouraged during the evening hours at times agreed upon by the merchants.

b. Lighting of the facades of the buildings may be accomplished with projecting fixtures at the roofline or at the shopfront cornice line. Such fixtures shall be inconspicuous [and compatible with the building architecture] and project not more than 24" from the face of the building.

c. All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from view.

d. The following lighting methods are not permitted for signs and buildings:

(1) Exposed fluorescent lighting

(2) Exposed quartz or mercury vapor lamps

(3) Exposed incandescent lamps other than low wattage, purely decorative lighting and neon as provided for herein.

e. The following lighting methods are permitted for signs and buildings:

(1) Fully recessed fluorescent downlights or wall washers in a valance box. Box must run full length of storefront at top of sign area.

(2) Internally illuminated box signs and individual letters or backlit (halo) letters.

(3) Fully recessed downlights or wallwashers in projecting metal box. Box must run length of storefront at top of sign area.

(4) Shielded fluorescent lamps with diffusers in projecting metal box. Box must run full length of storefront at top of sign area.

(5) "Gooseneck incandescent", porcelain enamel reflector on bent metal tube arm. Housing must prevent glare at pedestrian eye level.

(6) Neon tube illumination in the form of a neon tube graphic where a light source is supplied by a neon tube which is bent to form letters, symbols or other shapes in various colors are permitted as flat signs above a show window when enclosed in a sign box and protected by a glass front and on the inside of show windows.

[7. Rear Yards

Where a front, side, or rear yard exists or is created through the demolition of structures, the open areas shall be treated in a manner consistent with the following standards.]

[a. Enclosures of Yards

A rear yard may be enclosed along side and rear property lines by an unperforated masonry wall or metal grille fence compatible with the architecture of the rear walls of the building. Solid doors or gates may be used to the extent necessary for access and delivery. Such walls must be not less than three feet in height. Use of barbed wire or broken glass or similar materials on top of walls shall not be permitted. Solid masonry walls shall be used where fronting on public streets and adjacent properties.]

[b. Provision of Parking Area

A rear yard may be used as a parking or loading area providing that it is properly screened, paved, illuminated and maintained. A sign not exceed-

ing two square feet in area may be used to identify and control parking and loading. The owner of the building shall be responsible for maintenance of the parking area in a neat and clean manner. No storage of trash containers shall be allowed in this area except when housed in permanent enclosures of acceptable design.]

[c. Structures that are attached or unattached to the rear of the principal structure and which are structurally deficient, shall be properly repaired or demolished. Yards and areaways shall be kept free of trash, debris, or any other element which is not a permanent part of the building or a functional element of its mechanical or electrical system.]

3. [8.] Off-Street Parking

a. Parking spaces shall be provided as established in the Zoning Ordinance of Baltimore City, or in such lesser amount as may be authorized by Board of Municipal and Zoning Appeals as a Special Exception or Variance. In addition to these requirements, off-street parking areas shall be visually screened from public streets and adjacent properties as provided for herein.

b. All required parking spaces shall be provided with the proper ingress and egress to a public street or alley.

c. All parking facilities shall be effectively screened. When fronting on public streets and adjacent properties, screening shall consist of a masonry wall or combination masonry wall and metal grille fence, not less than three (3) feet in height. Screening shall be maintained in good condition and shall be so designed and placed so as not to obstruct vehicle sight distances at entrances and exits. [Solid masonry walls shall be used.] *Planting islands or strips with shade trees are strongly encouraged.*

d. All exterior (surface) [parking] areas shall be paved with a hard, dust-free surface, and shall be properly illuminated, and maintained in a neat and clean manner.

[e. A sign not exceeding sixteen square feet in area may be used to identify and control parking and loading.]

4. [9.] Off-Street Loading, Storage and Service

a. Where permitted by the Zoning Ordinance of Baltimore City, front, side, or rear yards may be used for loading, storage, or service. In addition to any requirements of the Zoning Ordinance, these areas shall be appropriately screened from all adjacent streets, alleys, and properties. Screening shall consist of an unperforated masonry wall or *solid* [metal grille] fence at least *four* (4) [three (3)] feet in height. *Use of barbed wire, glass or similar material is not permitted.*

b. All yards used for loading and vehicle storage and service shall be provided with the proper ingress and egress to a public street or alley by means of access drives and aisles. Such drives and aisles shall be consistent with the intended use of the property and shall not be excessive in size.

c. All exterior (surface) parking areas shall be paved with a hard, dust-free surface, and shall be properly illuminated, and maintained in a neat and clean manner.

[d. A sign not exceeding two square feet in area may be used to identify and control parking and loading.]

5. [10.] Refuse Storage

All outdoor refuse storage areas and dumpsters on private property shall be screened from the view of adjacent properties and public rights-of-way, and no dumpsters or rubbish containers shall be exposed at the fronts of buildings. Screening shall consist of a masonry wall or metal fence, or combination not less than five (5) feet in height. Trash storage areas shall be maintained in a neat and clean manner at all time.

[11. Existing Passageways

a. All existing passageways fronting on any street or alley providing public access shall comply with all of the provisions of this Plan, especially maintenance and repair of exterior walls.

b. They shall be kept structurally intact and free from hazards to the general public.

c. They shall be kept free of debris by the abutting owner(s).

d. All masonry surfaces shall be repaired and cleaned or painted to present a neat, fresh, and uniform appearance.

e. Provision for metal security gates at each end of such passageways shall be the responsibility of the occupants of buildings immediately adjacent. These gates must be provided with a lock. Non-metal gates and non-metal locks are not permitted. It shall be the responsibility of first floor occupants of buildings immediately adjacent to both sides of such passageways to lock gates after normal business hours. Passageways must be provided with sufficient lighting if gates are to be left unlocked during normal business hours of darkness. When security gates are "open", they shall be fixed to the wall by a metal latch.]

6. Footways and Entrances

a. Sidewalks adjacent to all properties within the area boundaries shall be maintained in a manner consistent with applicable Baltimore City Codes and Ordinances. When required, sidewalk shall be repaired or replaced to present a neat and even appearance and in a manner that is compatible with the materials, design, and finish of adjacent pavement.

b. This Plan encourages the use of adjacent sidewalk for cafes (outdoor table service) with or without awnings, where accessory to a restaurant use. A clear walkway not less than four (4) feet in width shall be maintained in accordance with provisions of City Ordinances.

c. Doorways and entrances shall be designed with consideration for the needs of the handicapped and elderly. Stoops and steps with more than two risers shall be provided with a railing of compatible design.

d. Each building is required to display a postal address number on the storefront. The number size, style, location shall be designed so that it is easily visible from the center line of the street.

7. Soft Awnings

a. Existing retractable awning boxes or fixed awning hardware on storefronts shall be reconditioned to accommodate a new awning which shall be compatible with the building design. Torn, frayed, faded or dirty awnings shall be reconditioned, repaired, cleaned or replaced.

b. Awnings are to be installed along the full width of existing awning boxes and frames and on upper floors over windows only.

c. The color of the material and any graphic or striping shall be compatible with the building architecture.

d. Fixed awnings shall have a fall sufficient to shed a snow load. A 6 inch fall for every foot should be the minimum.

e. Awnings shall not be designed so as to prevent vehicular movement at the curb or to interfere with improvements to the public right-of-way such as street lights, landscaping, and street furniture. Awnings shall not be lower than eight (8) feet above the sidewalk, and one (1) foot inside the curb and shall otherwise conform with the provisions of City Ordinances.

f. Street level awnings shall terminate against the building at a height not to exceed one inch below the second floor windows sill or no higher than the bottom of a first floor cornice, unless it exists as a part of the cornice.

8. Security Grilles

a. Security screens, grates, bars, and grilles shall be designed to be as inconspicuous as possible. They shall be constructed of non-ferrous material or kept painted and free of rust. Non-metal grilles and screens shall be prohibited.

b. Enclosures and housings for security grilles and screens shall be painted and compatible with the architecture of the storefront and the facade or hidden from view as an integral part of a sign or awning.

c. All screens and grilles shall be totally opened or removed during the normal business hours. No signs or product advertising shall be permitted on grilles or grille housing.

SEC. 12. *And be it further ordained, That the section on Compliance in Appendix A. of the Urban Renewal Plan shall be revised. Therefore, Page 16, lines 18-31 of Ordinance 100, dated June 19, 1984, are hereby amended to read as follows:*

III. COMPLIANCE

All rehabilitation work necessary to meet the [standards and provisions contained in Section 10 of this Ordinance] *above standards for the Market Center West shall be completed within one (1) year from the [passage of this Ordinance]*

the effective date of Ordinance No. 100, approved June 19, 1984 unless extended by the Commissioner of the Department of Housing and Community Development.

Thereafter, all work shall be completed in accordance with the date of completion set forth in the notice from the Commissioner. *Areas incorporated within the Market Center West project boundaries after June 19, 1984, must complete rehabilitation work within one (1) year from the effective date of the ordinance in which the new areas were first included.* No work, alterations, or improvements shall be undertaken after enactment of [this Ordinance which do not] *Ordinance No. 100, approved June 19, 1984 which does not conform with the requirements [set forth in Section 10 of this Ordinance] herein.* However, the Commissioner may waive compliance with one or more of the standards and provisions contained in Section 10 of this Ordinance if such waiver is determined by the Commissioner not to adversely affect the objectives for Market Center West. Nothing herein shall be construed to permit any sign, construction, alteration, change, repair, use or any other matter otherwise forbidden or controlled by any other public law.

SEC. 13. *And be it further ordained,* That any person violating the provisions of Section 9 of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. 14. *And be it further ordained,* That the revised Exhibits: Exhibit 1, entitled Lane Use Plan, dated as revised October 1, 1984; Exhibit 2, entitled Property Acquisition/Land Disposition, dated as revised October 1, 1984; and Exhibit 3, entitled Zoning Districts, dated as revised October 1, 1984, are hereby approved.

SEC. 15. *And be it further ordained,* That in whatever respect, if any, the Renewal Plan approved hereby for the Market Center West area may not meet the requirements as to the content of a renewal plan or the procedure for the preparation, adoption, and approval of renewal plans as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 16. *And be it further ordained,* That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance, or the application thereof to any persons or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 17. *And be it further ordained.* That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance, or code or

regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict with an existing provision of any ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 18. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 348

(Council No. 610)

AN ORDINANCE concerning

STREET ENCROACHMENT—12 E. MT. VERNON PLACE

FOR the purpose of authorizing the construction and maintenance of a light vault projecting not more than 5 feet into the public right of way from the south wall of 12 E. Mt. Vernon Place.

BY authority

Article 32—Building Code of Baltimore City

Section 310.1

Building Code of Baltimore City (1982 Edition and Supplement)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*. That the construction and maintenance of a light vault is hereby authorized not more than 5 feet from the south wall of the improvements known as 12 E. Mt. Vernon Place into the adjoining sidewalk. Except as specifically provided, all ordinances and rules and regulations of the Mayor and City Council shall be complied with in the construction and use of said structures.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 349

(Council No. 643)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—DEPARTMENT OF PLANNING

FOR the purpose of providing a supplementary special fund appropriation in the amount of One Hundred Twenty-three Thousand Six Hundred Seventy-five Dollars (\$123,675) to the Department of Planning to be used for Unified Transportation Planning Program studies in Baltimore City.

BY authority of

Article VI—Board of Estimates

Section 2(h)(2)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1985 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 30th day of January, 1985, all in accordance with Article VI, Section 2(h)(2) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(2) of the 1964 revision (as amended) of the Charter of Baltimore City, the sum of One Hundred Twenty-three Thousand Six Hundred Seventy-five Dollars (\$123,675) shall be made available to the Department of Planning of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1985 for the purpose of Unified Transportation Planning Program studies in Baltimore City. The amount thus made available as a supplementary special fund appropriation shall be expended from a grant of funds to the Mayor and City Council of Baltimore by the State Regional Planning Council, said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said State Regional Planning Council shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 350

(Council No. 646)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purposes of providing a supplementary loan fund appropriation in the amount of Two Hundred Seventy Thousand Dollars (\$270,000) to the Department of Housing and Community Development to be used for new sidewalks, shade trees and other capital improvements in the 400 block of West Redwood Street.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 30th day of January, 1985, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Two Hundred Seventy Thousand Dollars (\$270,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary loan

fund appropriation for the fiscal year ending June 30, 1985, for the purpose of new sidewalks, shade trees and other capital improvements in the 400 block of West Redwood Street. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 351

(Council No. 647)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purposes of providing a supplementary loan fund appropriation in the amount of Two Hundred Eighty Five Thousand Dollars (\$285,000) to the Department of Housing and Community Development to be used for new street lights, sidewalks, shade trees and other capital improvements in the University Mews District.

BY authority of
Article VI—Board of Estimates
Section 2(h)(3)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required

to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 30th day of January, 1985, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Two Hundred Eighty-five Thousand Dollars (\$285,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of new street lights, sidewalks, shade trees and other capital improvements in the University Mews District. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 352

(Council No. 648)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION -
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purposes of providing a supplementary loan fund appropriation in the amount of Sixty Five Thousand Dollars (\$65,000) to the Department of Housing and Community Development to be used for new sidewalks, shade trees and other capital improvements in the 600 block of West Lexington Street.

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 30th day of January, 1985, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION, 1. *Be it ordained by the Mayor and City Council of Baltimore, That* under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Sixty-five Thousand Dollars (\$65,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of new sidewalks,

shade trees and other capital improvements in the 600 block of West Lexington Street. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 353

(Council No. 649)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purposes of providing a supplementary loan fund appropriation in the amount of Ninety Thousand Dollars (\$90,000) to the Department of Housing and Community Development to be used for construction of a Market Center Garage Plaza in the 200 block of North Eutaw Street.

BY authority of
Article VI—Board of Estimates
Section 2(h)(3)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 30th day of January, 1985, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Ninety Thousand Dollars (\$90,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of construction of a Market Center Garage Plaza in the 200 block of North Eutaw Street. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 354

(Council No. 650)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purposes of providing a supplementary loan fund appropriation in the amount of Eighty Thousand Dollars (\$80,000) to the Department of Housing and Community Development to be used for new street lights, sidewalks, shade trees and other capital improvements in the unit block of West Lombard Street.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 30th day of January, 1985, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Eighty Thousand Dollars (\$80,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of new street lights,

sidewalks, shade trees and other capital improvements in the unit block of West Lombard Street. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 355

(Council No. 651)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary loan fund appropriation in the amount of Forty Thousand Dollars (\$40,000) to the Department of Housing and Community Development to be used for new street lights in the 200 blocks of South Greene and South Paca Streets and in the 500 blocks of West Pratt Street and Washington Boulevard.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated

and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 30th day of January, 1985, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Forty Thousand Dollars (\$40,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of new street lights in the 200 blocks of South Greene and South Paca Streets and in the 500 blocks of West Pratt Street and Washington Boulevard. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated or relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 356

(Council No. 652)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary loan fund appropriation in the amount of One Hundred Seventy Thousand Dollars (\$170,000) to the Department of Housing and Community Development to be used for new street lights, sidewalks, shade trees and other capital improvements in the 200/300 blocks of West Fayette Street and in the 200/300/400 blocks of West Baltimore Street.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the Mayor and City Council of Baltimore was authorized by Resolution I of the Members of the General Assembly of Maryland representing Baltimore City, by City Ordinance 120 approved June 25, 1984, and by ratification of the voters of Baltimore City on November 6, 1984 to borrow an amount not to exceed Twelve Million Dollars (\$12,000,000) and to issue and sell certificates of indebtedness for the uses and purposes set forth in said Resolution and Ordinance; and

WHEREAS, the money appropriated herein represents a partial issue of said certificates of indebtedness, such amount being in excess of the revenues estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Housing and Community Development pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary loan fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 30th day of January, 1985, all in accordance with Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Hundred Seventy Thousand Dollars (\$170,000) shall be made available to the Department of Housing*

and Community Development of the City of Baltimore as a supplementary loan fund appropriation for the fiscal year ending June 30, 1985, for the purpose of new street lights, sidewalks, shade trees and other capital improvements in the 200/300 blocks of West Fayette Street and in the 200/300/400 blocks of West Baltimore Street. The amount thus made available as a supplementary loan fund appropriation shall be expended from revenue derived from the issuance of certificates of indebtedness as authorized by the voters of Baltimore City on November 6, 1984, said amount being in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds shall be the source of revenue for this supplementary loan fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAFFER, *Mayor*.

No. 357

(Council No. 716)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary special fund appropriation in the amount of Seventeen Million Seven Hundred Nineteen Thousand Dollars (\$17,719,000) to the Department of Housing and Community Development to be used for carrying out capital improvements included in the Federal Community Development Block Grant Program for Baltimore City (Year XI).

BY authority of
Article VI—Board of Estimates
Section 2(h)(2)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the entitlement application by Baltimore City for a Community Development Block Grant from the U.S. Department of Housing and Urban Development for the Grant Year XI beginning January 1, 1985 proposes funding of \$12,513,000 for operating activities and \$17,719,000 for capital improvements (including \$3,418,000 of program income); and

WHEREAS, it is intended that the aforementioned \$12,513,000 for operating activities will be made available in the fiscal 1986 Ordinance of Estimates in

amounts to City Agencies as follows: \$7,031,000 to the Department of Housing and Community Development; \$394,000 to the Department of Planning; and \$5,088,000 to the Urban Services Agency; and

WHEREAS, it is intended that the aforementioned \$17,719,000 for capital improvements will be made available to the Department of Housing and Community Development by supplementary appropriation ordinance; and

WHEREAS, the money appropriated herein represents program income and a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1985 Ordinance of Estimates; and

WHEREAS, the supplementary special fund appropriation ordained herein has been recommended to the City Council by the Board of Estimates, the said recommendation having been made at a regular meeting of said Board held on the 20th day of March, 1985, all in accordance with Article VI, Section 2(h)(2) of the Baltimore City Charter (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(2) of the 1964 revision of the Charter of Baltimore City, the sum of Seventeen Million Seven Hundred Nineteen Thousand Dollars (\$17,719,000) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1985 for the purpose of carrying out capital improvements included in the Federal Community Development Block Grant Program for Baltimore City (Year XI), provided that said improvements shall consist of the following named projects:

Baltimore Jobs in Energy*	\$ 67,000
CEBO	300,000
Charles Center	10,000
Coldspring	15,000
Druid Heights	71,000
East Baltimore Midway	300,000
Economic Dev: BEDCO	917,000
Economic Dev: Commercial Revitalization	242,000
Emergency Demolition	24,000
Fells Point	61,000
Financial District	15,000
Franklin Square	1,004,000
Gay Street	25,000
Govans	274,000
Greenmount West	41,000
Hardship Repair for the Elderly	75,000
Housing Assistance Corporation*	100,000
Inner Harbor East	412,000
Inner Harbor I	218,000
Inner Harbor West	430,000
Interim Loan Fund	100,000
Johnston Square	294,000

*Special Projects for Neighborhoods.

Jonestown	630,000
Jubilee Baltimore, Inc.*	50,000
Loft District	107,800
Market Center West	359,200
Market Center	2,165,000
Middle East	732,000
Mid-Town Belvedere	305,000
Mondawmin Transit Station	3,000
Municipal Center	15,000
Neighborhood Housing Services*	75,000
Neighborhood Housing Services*	165,000
North Avenue/Walbrook	244,000
Oldtown	\$ 14,000
Oliver	314,000
Orchard Biddle	222,000
Outer City - Northeast	344,000
Outer City - Southwest	77,000
Park Heights	39,000
Penn North Transit Station	562,000
Poppleton	939,000
Rehab. Aid (Doctrow)	2,200,000
Reisterstown Transit Station	19,000
Relocation Services	1,268,000
Rogers Avenue Transit Station	50,000
Rosemont Neighborhood Impr. Assoc.*	50,000
Rosemont	130,000
Sandtown Winchester	488,000
Sharp-Leadenhall	10,000
Special UDAG Development	100,000
St. Ambrose Housing Aid Center*	25,000
Trancare Inc. of Maryland*	45,000
Upper Fells Point	16,000
Upton	344,000
Washington Hill-Chapel	203,000
Washington Village	358,000
West Coldspring Transit Station	56,000
Total	\$17,719,000

*Special Projects for Neighborhoods.

The amount thus made available as a supplementary special fund appropriation shall be expended from program income (\$3,418,000) and from a grant of funds (\$14,301,000) to the Mayor and City Council of Baltimore by the U.S. Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974 as amended; said sum being specifically allotted to the Mayor and City Council for the aforesaid purpose; and said funds from said U.S. Department of Housing and Urban Development and from program income shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 10, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 358

(Council No. 618)

AN ORDINANCE concerning

ZONING – AMENDMENT TO PLANNED UNIT DEVELOPMENT

FOR the purpose of amending Ordinance No. 1024 (1983) and the approval of the revised application of the D.R. Development Joint Venture, Inc. to have the property known as 1040-1044 West Cold Spring Lane, Baltimore City, Maryland, located west of Roland Avenue and north of Cold Spring Lane, as outlined on the revised plat accompanying this Ordinance, designated a Residential Planned Development in accordance with Section 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) and to approve the revised Development Plans submitted by D.R. Development Joint Venture, Inc.

BY authority of

Article 30 – Zoning

Sections 12.0-1, 12.0-2 and 12.0-2(d)

Section 9.01 c.

Baltimore City Code (1983 Replacement Volume as amended)

WHEREAS, on September 28, 1983, Ordinance No. 1024 approved the Deer Ridge Terrace Condominium as a Residential Planned Unit Development; and

WHEREAS, on September 20, 1984, the Planning Commission approved a modification of the landscape plan, parking and unit density, which was subsequently approved on October 23, 1984 by the Board of Municipal and Zoning Appeals; and

WHEREAS, the approved modifications result in a total unit density of seventy-six (76) units consisting of eight (8) single-family townhouses and the mid-rise structure plans being reduced to sixty-eight (68) units. The modified landscaping plan shows the location of the townhouse units and open space parking areas; and

WHEREAS, together herewith D.R. Development Joint Venture, Inc. has previously submitted, under Ordinance No. 1024, the requisite development plans and documentation as set forth in the requirements as specified in Sections 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) now, therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the application of D.R. Development Joint Venture, Inc. and Ordinance No. 1024 (1983) as amended, which designates the property located west of Roland Avenue and north of Cold Spring Lane, as outlined on the plats accompanying this Ordinance, a Residential Planned Development pursuant to Article 30. Sections 12.0-1 and 12.0-2 (1983 Replacement Volume, as amended) be and it is hereby approved as amended.

SEC. 2. *And be it further ordained*, That the Development Plan, Condominium Documents, and other documents referenced in the recital paragraphs hereinabove submitted by D.R. Development Joint Venture, Inc., attached hereto and made a part hereof, be and are hereby approved.

SEC. 3. *And be it further ordained*, That subsequent to the passage of this Ordinance by the City Council, all changes in the approved plan for the development of the property shall be reviewed and approved by the Planning Commission for insurance of such changes consistent with this Ordinance.

SEC. 4. *And be it further ordained*, That upon passage of this Ordinance by the City Council, as evidence of the authenticity of each set of plans which is a part hereof, and approved hereby, and in order to give notice to the departments which are administering the Zoning Ordinance, said set of plans shall be signed by the President of the City Council, and, upon approval of the Ordinance by the Mayor, said sets of plans shall be signed by the Mayor of the City of Baltimore, and the City Treasurer shall transmit a copy of the Ordinance and one (1) set of plans to the Board of Municipal and Zoning Appeals, a copy of the Ordinance and one (1) set of plans to the Planning Commission, and a copy of the Ordinance and one (1) set of plans to the Zoning Administrator of Baltimore City.

SEC. 5. *And be it further ordained*, That this Ordinance shall take effect from the date of passage.

Approved April 16, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 359

(Council No. 5)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DOMICILIARY CARE HOME

FOR the purpose of granting permission for the establishment, maintenance and operation of a domiciliary care home on the property known as 16 S. Patterson Park Avenue, as outlined in red on the plats accompanying this ordinance.

By authority of

Article 30 - Zoning

Sections 4.8-1D and 11.0-6d

Baltimore City Code (1983 Replacement Volume)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a domiciliary care home on the property known as 16 S. Patterson Park Avenue as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8-1D and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved April 22, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 360

(Council No. 392)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - SINGER AVENUE EAST OF
CHESTNUT STREET AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property located on Singer Avenue east of Chestnut ~~Street~~ AVENUE, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 4.7-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property located on Singer Avenue east of Chestnut ~~Street~~ AVENUE, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.7-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall than transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved April 22, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 361

(Council No. 626)

AN ORDINANCE concerning

STREET ENCROACHMENT - 100 S. CHARLES STREET

FOR the purpose of authorizing the construction and maintenance of a double set of stairs with a landing projecting not more than 6 feet from the south wall of 100 S. Charles Street.

BY authority

Article 32 - Building Code of Baltimore City

Section 310.2

Building Code of Baltimore City (1982 Edition and Supplement)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the construction and maintenance of a masonry structure consisting of a set of stairs with a landing is hereby authorized on the south wall of the improvements known as 100 S. Charles Street. The steps and landing shall project not more than 6 feet into the public right of way and are located within the fire limits of the Building Code. Except as specifically provided, all ordinances and rules and regulations of the Mayor and City Council shall be complied with in the construction and use of said structures.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved April 22, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 362

(Council No. 664)

AN ORDINANCE concerning

CITY PROPERTIES - SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to certain parcels of land and improvements located at 1700 and 1701 East North Avenue, Baltimore, Maryland, said parcels of land and improvements being no longer needed for public use.

BY authority of

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to those parcels of land and improvements situate in Baltimore, Maryland, and described as follows:

1700 East North Avenue (Block 4159, Portion of Lot 4), formerly known as Samuel Gompers Junior-Senior High School Playground, containing 47,987 square feet of vacant land, more or less.

1701 East North Avenue (Block 1446, Lot 16), formerly known as Samuel Gompers Junior-Senior High School, containing 37,776 square feet of land, more or less.

Said properties being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved April 22, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 363

(Council No. 679)

AN ORDINANCE concerning

ECONOMIC DEVELOPMENT REVENUE BONDS
ROYAL QUALITY FOODS, INC. PROJECT

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue, sell and deliver, at any time or from time to time, and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, to be designated "Baltimore City, Maryland Economic Development Revenue Bonds (Royal Quality Foods, Inc. Project)", in the aggregate principal amount not to exceed \$1,400,000, pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with the acquisition of certain real property located at 306 and 308 Stinson Street, Baltimore, Maryland and the construction of certain improvements, alterations and additions to a meat processing and meat storage plant located on the 300 block of Stinson Street, Baltimore, Maryland; authorizing the Mayor to accept, on behalf of the Mayor and City Council, the letter of intent of Harvey E.

Hayutin, trustee under trusts for Michael Jay Hayutin and Cynthia H. Furst, dated January 14, 1985 and providing that the Mayor and City Council may choose not to issue such bonds; making certain legislative findings; authorizing and empowering the Board of Finance, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall prescribe, among other things, the forms, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing the private (negotiated) sale of such bonds; providing that Harvey E. Hayutin shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with any improvements to said buildings and make best efforts to use certain minority firms in connection with certain procurements; providing that, except under certain circumstances, Royal Quality Foods, Inc., prior to the issuance and sale of such bonds, shall have received the approval of the Mayor's Office of Manpower Resources of a final plan covering the future hiring needs of Royal Quality Foods, Inc. and its utilization of the training and recruitment services of that Office; providing that, except under certain circumstances, if such bonds are not issued and sold within six months after the date on which this Ordinance is approved by the Mayor, the authorization provided in this Ordinance to issue and sell such bonds shall expire; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated January 14, 1985 (the "Letter of Intent") from Harvey E. Hayutin, trustee under trusts for Michael Jay Hayutin and Cynthia H. Furst (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of, and the charges, fees and expenses incurred in connection with, a certain economic development project (the "Project") by issuing and selling economic development revenue bonds of the City in the aggregate principal amount not to exceed \$1,400,000 (the "Bonds"), and by loaning the proceeds of the Bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project to be financed with the proceeds of the Bonds will consist of: (a) the acquisition of two (2) residences known as 306 and 308 Stinson Street, located in Baltimore City, Maryland, (b) the renovation of approximately 35,000 square feet of a building located at 300 Stinson Street in Baltimore City, Maryland, (c) the demolition of the improvements on the property known as 320 Stinson Street and the construction of a building containing approximately 5,000 square feet on that property, (d) the demolition of the improvements on the property known as 304, 306, 308, 310, 312, 314 and 316 Stinson Street and the construction of a building containing approximately 16,000 square feet on that property, (e) the acquisition and installation in those buildings of such machinery and equipment and any and all improvements to the buildings as may be necessary or useful in connection with the operation of a meat processing and meat storage plant, and (f) the acquisition of such other interests in land as may be necessary or suitable for the Project, including roads and rights of access, utilities and necessary site preparation facilities. The Borrower will lease the Project to Royal Quality Foods, Inc., a Maryland corporation (the "Project User"), under a lease agreement.

The Loan Agreement will require the Borrower (a) to use the proceeds of the Bonds solely to finance the Project, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of, and the interest and premium, if any, on the Bonds when and as the same shall become due and payable.

As security for the Bonds, the City will enter into a bond indenture (the "Bond Indenture") with either (a) a corporate trustee (the "Trustee") to be appointed by the Board of Finance of Baltimore City (the "Board") for the benefit of the holders of the Bonds, or (b) the original purchaser of the Bonds (the "Original Purchaser") and a trustee for the disbursement of the proceeds of the Bonds (which may be the Original Purchaser) (the "Project Fund Trustee"). Pursuant to the Bond Indenture the City shall pledge, assign, transfer and set over to the Trustee or the Original Purchaser and the Project Fund Trustee, their respective successors and assigns, and grant a security interest in (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all security referred to in the Loan Agreement, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys that are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time which by delivery or by writing of any kind is conveyed, pledged, assigned or transferred, as and for additional security for the Bonds, by the City or by anyone on its behalf or with its written consent, to the Trustee or the Original Purchaser and the Project Fund Trustee, their respective successors or assigns, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trusts, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds and which the Board shall approve by a resolution or resolutions (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of any of the Bonds. If the Board finds and deter-

mines, pursuant to the Resolution, that the appointment of a Trustee for the benefit of the holders of the Bonds is not required in order to issue, sell, and deliver the Bonds and that the Project will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the Project Fund Trustee is not necessary and that the City will enter into the Bond Indenture with only the Original Purchaser.

The Bonds will be sold at a private (negotiated) sale.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City, (b) promoting economic development in Baltimore City, and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit of the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. The proceeds of the Bonds will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee or the Project Fund Trustee as provided in the Bond Indenture to be approved by the Board in the Resolution, provided, however, that if the Board finds and determines, pursuant to the Resolution, that the Project will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the proceeds of the Bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Project, as provided in the Bond Indenture to be approved by the Board in the Resolution. Payments of the principal of and the interest and premium, if any, on the Loan will be paid by the Borrower directly to the Trustee or to the Original Purchaser, its successors and assigns, as provided in the Bond Indenture to be approved by the Board in the Resolution. No such moneys will be commingled with the funds of the City or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed

necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating the completion of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution. The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty or insurance of, or other credit support for, the Bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interests of the City will be served by selling the Bonds at a private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

(6) The issuance of the Bonds shall be accomplished in accordance with the laws, regulations, policies, and procedures applicable to the City, and the approval for the issuance of the Bonds includes a consideration of the purposes of the Enabling Act and of the guidelines and requirements set forth in Sections 7 and 8 of Executive Order 01.01.1985.01 - Proclamation on Private Activity Bond Allocations for 1985 and Later - issued by the Governor of Maryland on January 14, 1985. The specific guidelines and requirements considered include (a) the availability or feasibility of conventional financing on reasonable terms to finance the Project, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Project User within Baltimore City, (c) the necessity for the issuance of the Bonds for competitive economic development purposes to insure job opportunities and to provide for a sufficient tax base, and (d) the feasibility of requiring the Borrower to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Project or the provision of services or supplies with the proceeds of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time, or from time to time, and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds in the aggregate principal amount not to exceed \$1,400,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and

provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the costs, charges, fees, and expenses in connection with the completion of the Project. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the commitment of the City to issue the Bonds, and the Mayor of Baltimore City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to insure that the City (1) complies with present federal and state laws and any pending or future federal or state legislation, whether proposed or enacted, which may affect or restrict (by volume limitation or otherwise) the issuance of industrial development bonds, and (2) issues its industrial development bonds, within the limits imposed by such present laws or any such pending or future legislation or any future local laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the residents of the City and the State of Maryland. In particular, the City reserves the right to choose to issue its industrial development bonds in order to finance economic development projects other than the Project in such order of priority as it may determine in its sole and absolute discretion.

SEC. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bonds (Royal Quality Foods, Inc. Project)", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g., "1985 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the Original Purchaser or other purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including any Trustee's certificate of authentication to be endorsed thereon, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of Baltimore City, by his manual or facsimile signature, and by the Director of Finance of Baltimore City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Bond Indenture and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall

be executed in the name of the City and on its behalf by the Mayor of Baltimore City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of Baltimore City, the Director of Finance of Baltimore City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed, issued and delivered at any time, or from time to time, in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$1,400,000, as the Board shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times, and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities upon such terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt the Resolution, pursuant to which Board shall:

(a) prescribe the form, tenor, terms and conditions of, and the security for, the Bonds;

(b) prescribe the actual amounts, rate or rates of interest (or the method of determining the rate or rates), denominations, date, actual maturity or maturities, and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) if required in order to issue, sell and deliver the Bonds, appoint a bank having trust powers, or a trust company, as Trustee for the benefit of the holders of the Bonds and, if necessary, appoint a paying agent or agents for the Bonds, which may be the Trustee;

(d) approve the form and contents, and authorize the execution and delivery, where applicable, of (i) the Loan Agreement, (ii) the Bond Indenture, (iii) any insurance agreements or other credit support instrument provided by any person

to pay or insure the payment of the principal of, and the interest and premium, if any, on the Bonds or the Loan, or both, including, without limitation, agreements by the Maryland Industrial Development Financing Authority to provide financial assistance under the provisions of the Maryland Industrial Development Financing Authority Act, Title 13, Subtitle 1, of the Financial Institutions Article of the Annotated Code of Maryland, and (iv) such other documents, including, without limitation, bond purchase agreements, mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) provide for the direct payment by the Borrower of all costs, fees and expenses imposed or incurred by or on behalf of the City in connection with the authorization, issuance, sale and delivery of the Bonds, including, without limitation, the costs of printing the Bonds and necessary documents associated with the issuance of the Bonds and the fees of and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection with the authorization, issuance, sale and delivery of the Bonds;

(g) if a Trustee is appointed, provide for the issuance and sale (subject to the passage of an appropriate ordinance authorizing the same as may be required at the time) of one or more series of additional bonds and one or more series of refunding bonds; and

(h) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That the Loan Agreement and the Bond Indenture shall contain such terms, provisions and conditions not inconsistent with the Enabling Law and the provisions of this Ordinance as the Board shall approve in the Resolution.

SEC. 12. *And be it further ordained*, That as authorized by the Enabling Law, the Bonds shall be sold at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 13. *And be it further ordained*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or other constitutional, statutory or charter provisions limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the

Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose. The proceeds of the Bonds will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee or by the Project Fund Trustee as provided in the Bond Indenture to be approved by the Board in the Resolution, provided, however, that if the Board finds and determines, pursuant to the Resolution, that the appointment of a Trustee for the benefit of the holders of the Bonds is not required in order to issue, sell, and deliver the Bonds and that the Project will be contemplated on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the proceeds of the Bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Project, as provided in the Bond Indenture to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

SEC. 14. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Bond Indenture to be approved by the Board the City shall, set aside and pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustees or the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of and interest on the Bonds. Pursuant to the terms of the Loan Agreement to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bonds are to be paid by the Borrower to the Trustee for the benefit of the holders of the Bonds, or to the Original Purchaser, its successors and assigns, for the account of the City.

SEC. 15. *And be it further ordained*, That the Borrower shall agree in the Loan Agreement approved by the Board that:

(a) He will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, which approval shall not be withheld unreasonably;

(b) He and his developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality and design, and

(c) He shall make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Project or the provision of services or supplies with the proceeds of the Bonds.

SEC. 16. *And be it further ordained*, That the Project User, prior to the issuance and sale of the Bonds, shall receive the approval of the Mayor's Office of

Manpower Resources of a final plan covering the future hiring needs of the Project User and the utilization by the Project User of the training and recruitment services of that Office; provided however, that in the event such approval has not been received, then the Project User shall submit to the Baltimore Economic Development Corporation a timetable and procedure, approved by that Office, for the development of such a final plan.

SEC. 17. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom, provided, however, that neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall give rise to any pecuniary liability of the City.

SEC. 18. *And be it further ordained*, That if the Bonds are not issued and sold within six (6) months from the date on which this Ordinance is approved by the Mayor of Baltimore City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six (6) months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council of Baltimore City.

SEC. 19. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 22, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 364

(Council No. 682)

AN ORDINANCE concerning

PARKING—RESERVED
WILKES LANE

FOR the purpose of repealing Ordinance No. 725, which provided for reserved parking on the south side of Wilkes Lane for Samuel A. Tucker, Harry L. Chase, and the Public Defenders Office.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That Ordinance No. 725, approved June 12, 1978, be and the same is hereby repealed and the reserved parking on Wilkes Lane west of Calvert Street herein provided, is hereby rescinded.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the date of its enactment.

Approved April 22, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 365

(Council No. 683)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING ORDINANCE

FOR the purpose of repealing Ordinance No. 908, approved March 9, 1983, which provided for reserved parking on the west side of Lakewood Avenue for Joseph Sibiski.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That Ordinance No. 908, approved March 9, 1983, is hereby repealed and the authorization for reserved parking on the west side of Lakewood Avenue near Fait Street therein provided, is hereby rescinded.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the date of its enactment.

Approved April 22, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 366

(Council No. 684)

AN ORDINANCE concerning

PARKING—RESERVED
GRIFFIS AVENUE

FOR the purpose of providing for reserved parking on Griffis Avenue for Robert Haynes.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That on Griffis Avenue, north side, from a point 173' east of Carroll Street to a point 195' east of Carroll Street, parking is reserved for Robert Haynes, displaying a permit.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved April 22, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 367

(Council No. 685)

AN ORDINANCE concerning

PARKING—RESERVED
DOLFIELD AVENUE

FOR the purpose of providing for reserved parking on the north side of Dolfield Avenue near Ridgewood Avenue for John Singleton.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That on the north side of Dolfield Avenue, from a point 56' east of Ridgewood Avenue to a point 78' east of Ridgewood Avenue, parking is reserved for John Singleton, Sr., displaying a permit.*

SEC. 2 *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved April 22, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 368

(Council No. 612)

AN ORDINANCE concerning

CITY PROPERTY - OPENING, WIDENING, GRADING,
CONSTRUCTION AND MAINTENANCE OF REISTERSTOWN ROAD.

FOR the purpose of authorizing the acquisition by purchase or condemnation by the Mayor and City Council of Baltimore of the fee simple interests or such other interests as the Director of The Department of Public Works may deem necessary or sufficient, in and to certain pieces or parcels of land situate in Baltimore City, for highway purposes, namely for the opening, widening, grading, construction and maintenance of Reisterstown Road, extending from Liberty Heights Avenue, Southeasterly 21 feet, more or less; and authorizing the acquisition by purchase or condemnation of any property, rights, interests, easements and/or franchises necessary in the opening, widening, grading, construction and maintenance of said Reisterstown Road; and authorizing the making of all necessary agreements concerning said Reisterstown Road; and authorizing the construction of said Reisterstown Road; the location and course being shown on a plat thereof numbered 117-C-32A, prepared by the Surveys and Records Division and filed in the Office of the Director of The Department of Public Works on the Fourth (4th) day of June, 1984.

By authority of

Article I - General Provisions

Section - 4

Article II - General Provisions

Section - 2

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That it is necessary to acquire by purchase or condemnation for public highway purposes, namely, for the opening, widening, grading, construction and maintenance of Reisterstown Road, extending from Liberty Heights Avenue, Southeasterly 21 feet, more or less; the fee simple interests or such other interests as the Director of the Department of Public Works may deem necessary in and to the pieces or parcels of land, situate in Baltimore City, including the improvements thereon, bounded as follows:

Beginning for the same at the point formed by the intersection of the north-east side of Reisterstown Road, as now laid out 95 feet wide and the southeast side of Liberty Heights Avenue, as now laid out varying in width, said point of beginning being the beginning of the parcel of land conveyed by the Sun Oil Company of Pennsylvania to Midas Realty Corporation by deed dated January 2, 1980 and recorded among the Land Records of Baltimore City in Liber W.A. No. 3866, Folio 38 and running thence binding on the southeast side of said Liberty Heights Avenue and on part of the first line of said deed, there situate, North 36°-04'-00" East 8.76 feet to intersect the northeast side of Reisterstown Road, as realigned and widened on the northeast side thereof to

a varying width; thence binding on the northeast and southeast sides of last said Reisterstown Road the two following courses and distances; namely, South 30°-02'-35" East 22.22 feet and South 46°-59'-26" West 3.61 feet to intersect the northeast side of Reisterstown Road mentioned firstly herein and thence binding on the northeast side of Reisterstown Road mentioned firstly herein and on part of the last line of said deed, to the end thereof, there situate, North 43°-00'-34" West 20.00 feet to the place of beginning.

All courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

Including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction and maintenance of said Reisterstown Road, the location and course of said Reisterstown Road being shown on a plat thereof numbered 117-C-32A, prepared by the Surveys and Records Division and filed in the office of The Director of The Department of Public Works on the Fourth (4th) day of June, 1984.

Any mention or reference to any streets, roads, avenues, highways or alleys in this Ordinance or on the plat referred to herein are for the purpose of description only, and shall not be held or taken to be any evidence whatever that said streets, roads, avenues, highways, alleys or any of them, are public, dedicated or private thoroughfares.

SEC. 2. *And be it further ordained*, That the Director of The Department of Public Works or the person or persons the Board of Estimates of Baltimore City may hereafter from time to time designate, is or are hereby authorized to acquire on behalf of the Mayor and City Council of Baltimore, and for the purposes described in this Ordinance, the fee simple interests or such other interests as the said Director may deem necessary or sufficient, in and to said pieces or parcels of land and improvements thereupon, including all property, rights, interests, easements and/or franchises necessary for the opening, widening, grading, construction and maintenance of said Reisterstown Road. If the said Director of The Department of Public Works, or person or persons the Board of Estimates of Baltimore City may designate are unable to agree with the owner or owners on the purchase price of any of the said pieces or parcels of land and improvements thereupon or for any of the said properties, rights, interests, easements and/or franchises, they shall forthwith notify the City Solicitor of Baltimore City who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interests or such other rights, interest, easements and/or franchises as the said Director may deem necessary or sufficient for the purposes of Channelization of Liberty Heights Avenue and Reisterstown Road Project.

SEC. 3. *And be it further ordained*, That the proceedings for the acquisition by condemnation of the property and rights herein described and the rights of all parties interested or affected thereby shall be regulated by and be in accordance with the provisions of The Real Property Article of the Annotated Code of Maryland (1974), Title 12, Section 101 Et Seq. and any and all amendments thereto.

SEC. 4. *And be it further ordained*, That the said Director of The Department of Public Works or person or persons the Board of Estimates of Baltimore City may designate are also hereby authorized to negotiate for and to enter into in the name of the Mayor and City Council of Baltimore, any and all necessary agreements with the Federal and State Governments, or any of their agencies, and any other persons, firms or corporations, in aid of, in furtherance of, or in connection with said Channelization of Liberty Heights Avenue and Reisterstown Road Project; all such acquisitions and agreements to be subject to the approval of the Board of Estimates.

SEC. 5. *And be it further ordained*, That after the necessary agreements have been made and the necessary properties, lands, rights, easements and/or franchises have been acquired as hereinbefore provided, the Director of The Department of Public Works of Baltimore City is hereby authorized and directed to construct or cause to be constructed the said Channelization of Liberty Heights Avenue and Reisterstown Road Project, all in accordance with detailed plans hereafter to be prepared therefor and after said plans have been approved by the said Director of The Department of Public Works.

SEC. 6. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 369

(Council No. 703)

AN ORDINANCE concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(PEABODY CENTER ASSOCIATES LIMITED PARTNERSHIP AND/OR
SHELTER HOUSING PARTNERS I LIMITED PARTNERSHIP FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more issues or series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$40,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion of BY Peabody CENTER Associates Limited Partnership, a Maryland limited partnership, and/or Shelter Housing Partners I Limited Partnership, a Maryland limited partnership, of one or more ~~rental~~ RENTAL apartment projects which (1) will be located on a parcel of land containing approximately 2.27 acres known as Mount ~~Royal~~ VERNON Urban Renewal Area LOT No. 7A, which parcel is bounded by the 600 blocks of St. Paul Street and North Calvert

Street and the 100 blocks of East Center Street and East Monument Street, in Baltimore City, (2) will consist of one or more of (A) a project containing approximately 250 rental units, approximately ~~20,000~~ 10,000 square feet of ancillary office and commercial space, approximately 325 parking spaces, and other facilities functionally related and subordinate thereto, including recreation facilities, and/or (B) a project containing approximately 150 rental units, APPROXIMATELY 10,000 SQUARE FEET OF ANCILLARY OFFICE AND COMMERCIAL SPACE, approximately 95 parking spaces and other facilities functionally related and subordinate thereto, and/or (C) some or all of the parking facilities described in (A) and/or (B) above, (3) will be developed and owned by Peabody Center Associates Limited Partnership, a Maryland limited partnership, and/or Shelter Housing Partners I Limited Partnership, a Maryland limited partnership, either or both of which limited partnerships will develop and own one or ~~both~~ MORE portions of the ~~rental apartment~~ projects described in (2) above, and (4) be initially managed by Shelter Properties Corporation Limited, a Maryland corporation; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated February 11, 1985 from Peabody Center Associates Limited Partnership and Shelter Housing Partners I Limited Partnership to the City, as supplemented; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Peabody Center Associates Limited Partnership or Shelter Housing Partners I Limited Partnership, whichever is the developer for each portion of the projects, shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such project; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within ~~six~~ TWELVE months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I)

the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the redevelopment of urban renewal areas in Baltimore City.

The City has received a letter of intent dated February 11, 1985 (such letter of intent, as supplemented, being hereinafter called the "Letter of Intent") from Peabody Center Associates Limited Partnership, a Maryland limited partnership, and Shelter Housing Partners I Limited Partnership, a Maryland limited partnership (each, a "Borrower" and collectively, the "Borrowers"), pursuant to which the Borrowers have requested the City to participate in the financing of the costs of the completion (which costs shall include, without limitation, design, acquisition and construction costs, costs of issuance of the Bonds, financing costs, capitalized interest and deposits to reserve funds) (the "Costs of Completion") of a certain facility in Baltimore City, Maryland (the "Facility") by either or both of the Borrowers, by issuing and selling, in one or more issues or series, the City's economic development revenue bonds in the aggregate principal amount not to exceed \$40,000,000 (collectively, the "Bonds"), and by making the proceeds of the Bonds available to either or both of the Borrowers to be used by the applicable Borrower or Borrowers for the sole and exclusive purpose of financing the Costs of Completion of the Facility by the applicable Borrower or Borrowers.

The Letter of Intent expresses the Borrowers' intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"), and the Borrowers have acknowledged that the City reserves certain rights concerning the issuance of such bonds as provided in Section 4 hereof.

The Facility, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of one or more rental apartment projects and will collectively include (1) the acquisition of a parcel of land containing approximately 2.27 acres known as Mount ~~Royal~~ VERNON Urban Renewal Area LOT No. 7A, which parcel is bounded by the 600 blocks of St. Paul Street and North Calvert Street and the 100 blocks of East Center Street and East Monument Street, in Baltimore City, (2) the construction of one or more of (A) a project containing approximately 250 rental units, approximately ~~20,000~~ 10,000 square feet of ancillary office and commercial space, approximately 325 parking spaces, and other facilities functionally related and subordinate thereto, including recreation facilities, and/or (B) a project containing approximately 150 rental units, APPROXIMATELY 10,000 SQUARE FEET OF ANCILLARY OFFICE AND COMMERCIAL SPACE, approximately 95 parking spaces and other facilities functionally related and subordinate thereto and/or (C) some or all of the parking facilities described in (A) and/or (B) above, (3) the acquisition and installation in such buildings and on such land of any or all machinery and equipment, and any and all other improvements therein, as may be necessary or useful in connection with the operation thereof as a rental apartment project, and (4) the acquisition of such other interests in

land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, each portion of the Facility will be owned by one or both of the Borrowers, and the Facility, or each separate portion thereof, will be operated as a rental apartment project OR A FACILITY FUNCTIONALLY RELATED AND SUBORDINATE THERETO. Shelter Properties Corporation Limited, a Maryland corporation, will be the initial manager of the Facility.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to either or both of the Borrowers for the sole and exclusive purpose of financing the Costs of Completion of the Facility will facilitate and expedite the completion of each portion of the Facility by either or both of the Borrowers.

(2) The completion of each portion of the Facility by either or both of the Borrowers and the financing of the Costs of Completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City through, among other things, providing rental housing for persons employed and to be employed in Baltimore City; (c) assisting in the redevelopment of an urban renewal area in Baltimore City; and (d) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more issues or series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$40,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to either or both of the Borrowers under terms and conditions approved by the Board and set forth in a Resolution, and used by the applicable Borrower or Borrowers for the sole and exclusive purpose of financing the Costs of Completion of the Facility.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City intends that the enactment of this Ordinance shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrowers contemplate that, upon the effectiveness of this Ordinance, either or both of the Borrowers may commence the acquisition and construction of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if either or both of the Borrowers proceed with the acquisition or construction of the Facility prior to the adoption of a resolution by the Board, as described in Section 5(a) below, such Borrower or Borrowers do so at its or their own risk.

SEC. 4. *And be it further ordained*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and State laws in effect at the time of issuance of the Bonds which may restrict the issuance of industrial development bonds, and (b) issues its bonds (within the meaning of the Enabling Law, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agree-

ment or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to either or both of the Borrowers to finance the Costs of Completion of the Facility or any portion thereof; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 6. *and be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That each of the Borrowers shall agree, with respect to any portion of the Facility which it is developing, either alone or with the other Borrower, that:

(a) it will submit any plans and specifications for the Facility to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 8. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or

custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 9. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 10. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Cumulative Supplement), as amended, or any successor provision of law (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

- (a) approve the issuance of such bond anticipation notes;
- (b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or ~~time~~ TIMES of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;
- (c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;
- (d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than

customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to either or both of the Borrowers to finance the Costs of Completion of the Facility or any portion thereof; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, under such terms as may be approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrowers, their partners, agents and employees.

SEC. 11. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within ~~six~~ TWELVE months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such ~~six~~ TWELVE month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first ~~six~~ TWELVE month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the ~~six~~ TWELVE month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the

extent that neither the Bonds nor such bond anticipation notes are issued and sold within ~~twelve~~ EIGHTEEN months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 13. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved April 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 370

(Council No. 533)

AN ORDINANCE concerning

REZONING—EASTBOURNE AVENUE AND ELRINO STREET

FOR the purpose of changing the zoning for the properties located on the south side of Eastbourne Avenue, west from Elrino Street from the R-5 Zoning District to the B-3-1 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 69

Article 30—Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 69 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-5 Zoning District to the B-3-1 Zoning District the properties located on the south side of Eastbourne Avenue, west from Elrino Street, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved May 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 371

(Council No. 583)

AN ORDINANCE concerning

REZONING—MARKET CENTER WEST URBAN RENEWAL AREA

FOR the purpose of changing the zoning of the following properties;

(1) 536-542 W. Pratt Street, 110 S. Paca Street, 410-418, 509-517 W. Lombard Street, 10-20 S. Eutaw Street; AND 512-516 Lemmon Street and ~~404-410 and~~ 405-421 W. Redwood Street, as outlined in red on AMENDED sheet 2 of the plats accompanying this ordinance from the M-1-3 to the B-4-1 Zoning District.

(2) 612-616 W. FAYETTE STREET, 100-130 and 202-226 N. Greene Street, 601-615, 600-616 W. Lexington Street, 211, 223-239 Pearl Street, 511-539, ~~726~~700-734 W. Pratt Street, 402, 501 W. Lombard Street, 106-108, 202 S. Paca Street, 22-38 S. Eutaw Street, 215-231 S. Greene Street, 522-526 Portland Street and 504-520 Washington Boulevard as outlined in blue on Sheets 1 and AMENDED SHEET 2 of the plats accompanying this ordinance from the B-5-1 to the B-4-1 Zoning District.

(3) 10 S. Howard Street; AND 307-335 W. Baltimore Street, ~~and 400-402, 422-424 W. Redwood Street~~ as outlined in yellow on AMENDED Sheet 2 of the plats accompanying this ordinance from the B-5-2 to the B-4-1 Zoning Districts.

(4) 36-38 S. Paca Street ~~and 412-420 W. Redwood Street~~ as outlined in green on AMENDED Sheet 2 of the plats accompanying this ordinance from the B-4-2 to the B-4-1 Zoning District.

BY amending Zoning District Maps

Sheet No. 55

Article 30—Zoning

Baltimore City Code, 1976 Edition (1983 Replacement Volume)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 55 of the Zoning District Maps of Article 30 of the Baltimore City Code, 1976 Edition (1983 Replacement Volume) titled "Zoning" be and it is hereby amended by changing the zoning of the following properties:

(1) 536-542 W. Pratt Street, 110 S. Paca Street, 410-418, 509-517 W. Lombard Street, 10-20 S. Eutaw Street; AND 512-516 Lemmon Street and ~~404-410 and~~ 405-421 W. Redwood Street, as outlined in red on AMENDED sheet 2 of the plats accompanying this ordinance from the M-1-3 to the B-4-1 Zoning District.

(2) 612-616 W. FAYETTE STREET, 100-130 and 202-226 N. Greene Street, 601-615, 600-616 W. Lexington Street, 211, 223-239 Pearl Street, 511-539, ~~726~~700-734 W. Pratt Street, 402, 501 W. Lombard Street, 106-108, 202 S. Paca Street, 22-38 S. Eutaw Street, 215-231 S. Greene Street, 522-526

Portland Street and 504-520 Washington Boulevard as outlined in blue on Sheets 1 and AMENDED SHEET 2 of the plats accompanying this ordinance from the B-5-1 to the B-4-1 Zoning District.

(3) 10 S. Howard Street; AND 307-335 W. Baltimore Street, ~~and 400-402, 422-424 W. Redwood Street~~ as outlined in yellow on AMENDED Sheet 2 of the plats accompanying this ordinance from the B-5-2 to the B-4-1 Zoning Districts.

(4) 36-38 S. Paca Street ~~and 412-420 W. Redwood Street~~ as outlined in green on AMENDED Sheet 2 of the plats accompanying this ordinance from the B-4-2 to the B-4-1 Zoning District.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat, and when the Mayor approves the ordinance he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 372

(Council No. 584)

AN ORDINANCE concerning

REZONING—MARKET CENTER URBAN RENEWAL AREA

FOR the purpose of changing the zoning of the following properties:

(1) ~~503, 505, 507-525~~; 639-641, 701, 715, 717, 719, 721, 723, 725, 727, 729, 731, and 735 N. Eutaw Street, ~~314-320, 322, 324, 326 and 328 W. Franklin Street and the property on the north side of W. Franklin Street, 83 feet east of N. Eutaw Street (Lot 42A, Block 530)~~; 600, 602-610, 612, 612½-614, 700, 702, 704, 706, 708, 710, 712-720, 722, 724-726, 728 and 730 N. Howard Street, 700-708 and 710-730 Linden Avenue, 303, 305, 307, 309, 311, 313, 315-317, 319, and 321-327 W. Madison Street, 227, 304, 305-311, 315 and 319 W. Monument Street, as outlined in red on sheet 1 of the plats accompanying this ordinance from the B-5-1 to the B-4-1 Zoning District.

(2) 102, 104, 106, 117, and 119 Diamond Street, portion of 200 N. Eutaw Street, 312-314, 320, 324, 326-328, 400, 402, 404, 406-408, 410, 419, 421, 423,

425-427, ~~and 429-433~~, 503, 505, AND 507-525 N. Eutaw Street, 500, 502, 504, 506, 508, 510, 512, 514, 516, and 520 W. Fayette Street, 305-307, 309-311, 313, 314-320, 315, 317, 319, 322, 324, 326, 328, 403-405, 407, and 413 W. Franklin Street; AND THE PROPERTY ON THE NORTH SIDE OF W. FRANKLIN STREET, 83 FEET EAST OF N. EUTAW STREET (LOT 42A, BLOCK 530), 111, 113-119, 121, and 123 N. Greene Street, 503, 505, 507, 509, 511, 513, 515, 517, 519, 520-24, 521, 523-525, 527 and 529 W. Lexington Street, 306, 403, and 410 W. Mulberry Street 102-104, 106-108, 110-114, 116, 118-120, 122, 128, and 200-206 N. Paca Street, 324-326 Pierce Street, 415-417, 419, 421, 423, 425 and 427 W. Saratoga Street, and 530 and 532 Shad Alley as outlined in blue on sheets 1 and 2 of the plats accompanying this ordinance from the B-5-1 to the B-4-2 Zoning District.

(3) 304, 306, 308, 310, 312, 314, 316, 318-320, 322, 324-326, 328-330, 401-403, 405, 407, 409, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 425, and 426 W. Baltimore Street, 2-8 and 12 N. Eutaw Street, and 3-7 N. Paca Street as outlined in brown on sheet 2 of the plats accompanying this ordinance from the B-5-2 to the B-4-2 Zoning District.

(4) portion of 327 Druid Hill Avenue as outlined in green on sheet 1 of the plats accompanying this ordinance from the B-5-1 to B-4-1-P Zoning District.

(5) portion of 327 Druid Hill Avenue as outlined in lavender on sheet 1 of the plats accompanying this ordinance from the B-4-1 to the B-4-1-P Zoning District.

(6) public right-of-way Lexington Street from N. Eutaw to Liberty Streets as outlined in yellow on sheet 2 of the plats accompanying this ordinance from the B-4-2 to the B-4-2-P Zoning District.

BY amending Zoning District Maps

Sheets No. 45 and 55

Article 30 - Zoning

Baltimore City Code, 1976 Edition (1983 Replacement Volume)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheets No. 45 and 55 of the Zoning District Maps of Article 30 of the Baltimore City Code 1976 Edition (1983 Replacement Volume), titled "Zoning" be and it is hereby amended by changing the zoning of the following properties:

(1) ~~503, 505, 507-525~~, 639-641, 701, 715, 717, 719, 721, 723, 725, 727, 729, 731, and 735 N. Eutaw Street, ~~314-320, 322, 324, 326 and 328 W. Franklin Street and the property on the north side of W. Franklin Street, 83 feet east of N. Eutaw Street (Lot 42A, Block 530)~~, 600, 602-610, 612, 612½-614, 700, 702, 704, 706, 708, 710, 712-720, 722, 724-726, 728 and 730 N. Howard Street, 700-708 and 710-730 Linden Avenue, 303, 305, 307, 309, 311, 313, 315-317, 319, and 321-327 W. Madison Street, 227, 304, 305-311, 315 and 319 W. Monument Street, as outlined in red on sheet 1 of the plats accompanying this ordinance from the B-5-1 to the B-4-1 Zoning District.

(2) 102, 104, 106, 117, and 119 Diamond Street, portion of 200 N. Eutaw Street, 312-314, 320, 324, 326-328, 400, 402, 404, 406-408, 410, 419, 421, 423, 425-427, ~~and 429-433~~, 503, 505, AND 507-525 N. Eutaw Street, 500, 502, 504,

506, 508, 510, 512, 514, 516, and 520 W. Fayette Street, 305-307, 309-311, 313, 314-320, 315, 317, 319, 322, 324, 326, 328, 403-405, 407, and 413 W. Franklin Street; AND THE PROPERTY ON THE NORTH SIDE OF W. FRANKLIN STREET, 83 FEET EAST OF N. EUTAW STREET (LOT 42A, BLOCK 530), 111, 113-119, 121, and 123 N. Greene Street, 503, 505, 507, 509, 511, 513, 515, 517, 519, 520-24, 521, 523-525, 527 and 529 W. Lexington Street, 306, 403, and 410 W. Mulberry Street 102-104, 106-108, 110-114, 116, 118-120, 122, 128, and 200-206 N. Paca Street, 324-326 Pierce Street, 415-417, 419, 421, 423, 425 and 427 W. Saratoga Street, and 530 and 532 Shad Alley as outlined in blue on sheets 1 and 2 of the plats accompanying this ordinance from the B-5-1 to the B-4-2 Zoning District.

(3) 304, 306, 308, 310, 312, 314, 316, 318-320, 322, 324-326, 328-330, 401-403, 405, 407, 409, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 425, and 426 W. Baltimore Street, 2-8 and 12 N. Eutaw Street, and 3-7 N. Paca Street as outlined in brown on sheet 2 of the plats accompanying this ordinance from the B-5-2 to the B-4-2 Zoning District.

(4) portion of 327 Druid Hill Avenue as outlined in green on sheet 1 of the plats accompanying this ordinance from the B-5-1 to the B-4-1-P Zoning District.

(5) portion of 327 Druid Hill Avenue as outlined in lavender on sheet 1 of the plats accompanying this ordinance from the B-4-1 to the B-4-1-P Zoning District.

(6) public right-of-way Lexington Street from N. Eutaw to Liberty Streets as outlined in yellow on sheet 2 of the plats accompanying this ordinance from the B-4-2 to the B-4-2-P Zoning District.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat, and when the Mayor approves the ordinance he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved May 2, 1985

WILLIAM DONALD SCHAEFER, Mayor

No. 373

(Council No. 690)

AN ORDINANCE concerning

PARKING—RESERVED
ELMLEY AVENUE

FOR the purpose of providing for reserved parking on the south side of Elmley Avenue for A. G. Mannion.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That on the south side of Elmley Avenue, from a point 293' east of Erdman Avenue to a point 315' east of Erdman Avenue, parking is reserved for A. G. Mannion, displaying a permit.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved May 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 374

(Council No. 692)

AN ORDINANCE concerning

PARKING—RESERVED
KENTUCKY AVENUE

FOR the purpose of providing for reserved parking on the west side of Kentucky Avenue for Wanda Mathieu.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That on the west side of Kentucky Avenue, from a point 76' south of Clifmont Avenue to a point 99' south of Clifmont Avenue, parking is reserved for Wanda Mathieu, displaying a permit.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved May 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 375

(Council No. 693)

AN ORDINANCE concerning

PARKING - RESERVED
SOUTH WASHINGTON STREET

FOR the purpose of providing for reserved parking on the east side of Washington Street for William Burke.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the east side of Washington Street, from a point 177' north of Gough Street to a point 199' north of Gough Street, parking is reserved for William Burke, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved May 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 376

(Council No. 702)

AN ORDINANCE concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
BALTIMORE ARENA PARKING ASSOCIATES

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, to be designated "Baltimore City, Maryland Economic Development Revenue Bonds (Baltimore Arena Parking Associates Project)", in the aggregate principal amount not to exceed \$4,000,000, pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with the construction of a public parking garage located at 210-218 West Baltimore Street, Baltimore City, Maryland; authorizing the Mayor to accept, on behalf of the Mayor and City Council, the letter of intent of Baltimore Arena Parking Associates dated January 14, 1985; making certain legislative findings; authorizing and empowering the Board of Finance, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall prescribe, among other things, the form, terms, provisions,

manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing for the issuance of bond anticipation notes; authorizing the private (negotiated) sale of such bonds; providing that Baltimore Arena Parking Associates shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with any improvements to said buildings and make best efforts to use certain minority firms in connection with certain procurements; providing that, except under certain circumstances, Baltimore Arena Parking Associates, prior to the issuance and sale of such bonds, shall have received the approval of the Mayor's Office of Manpower Resources of a final plan covering the future hiring needs of Baltimore Arena Parking Associates and its utilization of the training and recruitment services of that Office; providing that, except under certain circumstances, if such bonds are not issued and sold within six months after the date on which this Ordinance is approved by the Mayor, the authorization provided in this Ordinance to issue and sell such bonds shall expire; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general obligations of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated January 14, 1985 (the "Letter of Intent") from Baltimore Arena Parking Associates (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of, and the charges, fees and expenses incurred in connection with, a certain economic development project (the "Project") by issuing and selling economic development revenue bonds of the City in the aggregate principal amount not to exceed \$4,000,000 (the "Bonds"), and by loaning the proceeds of the Bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project to be financed with the proceeds of the Bonds will consist of: (a) the demolition of the improvements on the property known as 210-218 West Baltimore Street and the construction of a public parking garage facility containing approximately 165,792 square feet on that property, (b) the acquisition and

installation in that facility of such machinery and equipment and any or all improvements to the facility as may be necessary or useful in connection with the operation of a public parking garage facility, and (c) the acquisition of such other interests in land as may be necessary or suitable for the Project, including roads and rights of access, utilities and necessary site preparation facilities.

The Loan Agreement will require the Borrower (a) to use the proceeds of the Bonds solely to finance the Project, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of, and the interest and premium, if any, on the Bonds when and as the same shall become due and payable.

As security for the Bonds, the City will enter into a bond indenture (the "Bond Indenture") with either (a) a corporate trustee (the "Trustee") to be appointed by the Board of Finance of Baltimore City (the "Board") for the benefit of the holders of the Bonds, or (b) the original purchaser of the Bonds (the "Original Purchaser") and a trustee for the disbursement of the proceeds of the Bonds (which may be the Original Purchaser) (the "Project Fund Trustee"). Pursuant to the Bond Indenture the City shall pledge, assign, transfer and set over to the Trustee or the Original Purchaser and the Project Fund Trustee, their respective successors and assigns, and grant a security interest in (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all security referred to in the Loan Agreement, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys that are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time which by delivery or by writing of any kind is conveyed, pledged, assigned or transferred, as and for additional security for the Bonds, by the City or by anyone on its behalf or with its written consent, to the Trustee or the Original Purchaser and the Project Fund Trustee, their respective successors or assigns, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds and which the Board shall approve by a resolution or resolutions (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of any of the Bonds. If the Board finds and determines, pursuant to the Resolution, that the appointment of a Trustee for the benefit of the holders of the Bonds is not required in order to issue, sell, and deliver the Bonds and that the Project will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the Project Fund Trustee is not necessary and that the City will enter into the Bond Indenture with only the Original Purchaser.

The Bonds will be sold at a private (negotiated) sale.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:*

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City, (b) promoting economic development in Baltimore City, and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. The proceeds of the Bonds will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee or the Project Fund Trustee as provided in the Bond Indenture to be approved by the Board in the Resolution, provided, however, that if the Board finds and determines, pursuant to the Resolution, that the Project will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the proceeds of the Bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Project, as provided in the Bond Indenture to be approved by the Board in the Resolution. Payments of the principal of and the interest and premium, if any, on the Loan will be paid by the Borrower directly to the Trustee or to the Original Purchaser, its successors and assigns, as provided in the Bond Indenture to be approved by the Board in the Resolution. No such moneys will be commingled with the funds of the City or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating the completion of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obliga-

tions which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution. The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty or insurance of, or other credit support for, the Bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interests of the City will be served by selling the Bonds at a private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

(6) The issuance of the Bonds shall be accomplished in accordance with the laws, regulations, policies, and procedures applicable to the City, and the approval for the issuance of the Bonds includes a consideration of the purposes of the Enabling Act and of the requirements set forth in Section 8 of Executive Order 01.01.1985.01—Proclamation on Private Activity Bond Allocations for 1985 and Later—issued by the Governor of Maryland on January 14, 1985. The specific requirements considered include the feasibility of requiring the Borrower to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Project or the provision of services or supplies with the proceeds of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time, or from time to time, and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds in the aggregate principal amount not to exceed \$4,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the costs, charges, fees, and expenses in connection with the completion of the Project. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the commitment of the City to issue the Bonds, and the Mayor of Baltimore City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further

evidence the commitment of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City intends that the enactment of this Ordinance shall constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations adopted by the United States Department of the Treasury pursuant to Section 103 of the Internal Revenue Code of 1954, as amended. The City and the Borrower contemplate that, upon the effectiveness of this Ordinance, the Borrower may commence the Project prior to the issuance, sale and delivery of the Bonds, provided, however, that if the Borrower proceeds with the Project prior to the effective date of the Resolution (described in Section 11 of this Ordinance), the Borrower shall bear the risk of non-issuance of the Bonds and of any loss which may directly or indirectly result from the non-issuance.

SEC. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bonds (Baltimore Arena Parking Associates Project)", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g., "1985 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the Original Purchaser or other purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law, the provisions set forth in this Ordinance for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further ordinance or other action by the City Council of Baltimore City. Accordingly, the words "bonds" and "Bonds", as used in this Ordinance, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 2 of this Ordinance. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes, when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 2 of this Ordinance at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Ordinance and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such bonds, however, is depended upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower and related parties.

SEC. 6. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including any Trustee's certificate of authentication to be endorsed thereon, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of Baltimore City, by his manual or facsimile signature, and by the Director of Finance of Baltimore City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Bond Indenture and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of Baltimore City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of Baltimore City, the Director of Finance of Baltimore City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That, subject to the provisions of Section 19, the Bonds shall be executed, issued and delivered at any time, or from time to time, in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$4,000,000, as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times, and at such place or places as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities upon such terms and conditions as the Board shall prescribe in the Resolution.

SEC. 11. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt the Resolution, pursuant to which Board shall:

(a) prescribe the form, tenor, terms and conditions of, and the security for, the Bonds;

(b) prescribe the actual amounts, rate or rates of interest (or the method of determining the rate or rates), denominations, date, actual maturity or maturities, and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) if required in order to issue, sell and deliver the Bonds, appoint a bank having trust powers, or a trust company, as Trustee for the benefit of the holders of the Bonds and, if necessary, appoint a paying agent or agents for the Bonds, which may be the Trustee;

(d) subject to the requirements of Section 16, approve the form and contents, and authorize the execution and delivery, where applicable, of (i) the Loan Agreement, (ii) the Bond Indenture, (iii) any insurance agreements or other credit support instrument provided by any person to pay or insure the payment of the principal of, and the interest and premium, if any, on the Bonds or the Loan, or both, including, without limitation, agreements by the Maryland Industrial Development Financing Authority to provide financial assistance under the provisions of the Maryland Industrial Development Financing Authority Act, Title 13, Subtitle 1, of the Financial Institutions Article of the Annotated Code of Maryland, and (iv) such other documents, including, without limitation, mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(e) approve the terms and conditions of any bond purchaser agreement with underwriters or other purchasers of the Bonds for the purchase and sale of the Bonds of any series (or any portion thereof);

(f) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(g) provide for the direct payment by the Borrower of all costs, fees and expenses imposed or incurred by or on behalf of the City in connection with the authorization, issuance, sale and delivery of the Bonds, including, without limitation, the costs of printing the Bonds and necessary documents associated with the issuance of the Bonds and the fees of and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection with the authorization, issuance, sale and delivery of the Bonds;

(h) if required for the sale of the Bonds of any series at private (negotiated) sale, prepare and distribute, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(i) if a Trustee is appointed, provide for the issuance and sale (subject to the passage of an appropriate ordinance authorizing the same as may be required at the time) of one or more series of additional bonds and one or more series of refunding bonds; and

(j) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 12. *And be it further ordained*, That the Loan Agreement and the Bond Indenture shall contain such terms, provisions and conditions not inconsistent

with the Enabling Law and the provisions of this Ordinance as the Board shall approve in the Resolution.

SEC. 13. *And be it further ordained*, That as authorized by the Enabling Law, the Bonds shall be sold at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 14. *And be it further ordained*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or other constitutional, statutory or charter provisions limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenues derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose. The proceeds of the Bonds will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee or by the Project Fund Trustee as provided in the Bond Indenture to be approved by the Board in the Resolution, provided, however, that if the Board finds and determines, pursuant to the Resolution, that the appointment of a Trustee for the benefit of the holders of the Bonds is not required in order to issue, sell, and deliver the Bonds and that the Project will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the proceeds of the Bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Project, as provided in the Bond Indenture to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

SEC. 15. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Bond Indenture to be approved by the Board the City shall, set aside and pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustee or the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of, premium, if any, and interest on the Bonds. Pursuant to the terms of the Loan Agreement to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bonds are to be paid by the Borrower to the Trustee for the benefit of the holders of the Bonds, or to the Original Purchaser, its successors and assigns, for the account of the City.

SEC. 16. *And be it further ordained*, That the Borrower shall agree in the Loan Agreement approved by the Board that:

(a) It will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, which approval shall not be withheld unreasonably;

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality design, and

(c) It shall make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Project or the provision of services or supplies with the proceeds of the Bonds.

SEC. 17. *And be it further ordained*, That the Borrower, prior to the issuance and sale of the Bonds, shall receive the approval of the Mayor's Office of Manpower Resources of a final plan covering the future hiring needs of the operator or manager of the facilities acquired with proceeds of the Bonds and the utilization by the operator or manager of the training and recruitment services of that Office; provided however, that in the event such approval has not been received, then the Borrower shall submit to the Baltimore Economic Development Corporation a timetable and procedure, approved by that Office, for the development of such a final plan.

SEC. 18. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom, provided, however, that neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall give rise to any pecuniary liability of the City.

SEC. 19. *And be it further ordained*, That, if none of the Bonds are issued and sold within the 6-month period immediately following the date on which this Ordinance is approved by the Mayor of Baltimore City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six (6) months. The Board, in its sole discretion, shall determine the suffi-

ciency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council of Baltimore City.

SEC. 20. *And be it further ordained*, That this Ordinance shall take effect from the date of its approval by the Mayor of Baltimore City.

Approved May 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 377

(Council No. 546)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DRIVE-IN RESTAURANT WITH A DRIVE THROUGH WINDOW -
3700 PULASKI HIGHWAY

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 3700 Pulaski Highway, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 6.3-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 3700 Pulaski Highway, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect the 30th day after the date of its enactment.

Approved May 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 378

(Council No. 608)

AN ORDINANCE concerning

MINORS—CRIMINAL TOOLS

FOR the purpose of prohibiting the sale, RENTAL OR OFFER FOR SALE of certain criminal automotive devices to minors; REQUIRING PERSONS SELLING THESE DEVICES TO KEEP A BOOK LISTING EACH SALE; defining certain terms.

BY repealing and reordaining with amendments

Article 19—Police Ordinances

Subtitle—Criminal Tools

Section 9

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 19—POLICE ORDINANCES

Criminal Tools

9. Prohibitions.

(a) No person shall knowingly possess or have under his control any device, instrument or article listed herein, with purpose to do any unlawful act:

1. Detached Ignition Switch

2. Jumper Wire Device

3. Key Cutter

4. Slidehammer

5. SLIM-JIM

6. Any other device, instrument or article commonly used, designed or specially adapted for criminal use.

b. A person may not knowingly GIVE sell, rent or offer for sale any of the following devices to any minor child WHO IS KNOWN TO BE under the age of 18:

1. Detached Ignition Switch

2. Jumper Wire Device

3. Key Cutter

4. Slidehammer

5. SLIM-JIM

6. Any other device, instrument or article commonly used, designed or specially adapted for criminal use.

[(b)] (c) For the purpose of this ordinance, the following terms, phrases, ~~works~~ WORDS and their derivation shall have the meaning given herein:

(1) "Detached Ignition Device" means any ignition cylinder capable of completing the electrical circuit in the ignition system of an automobile.

(2) "Jumper Wire Device" means any electrical connecting device designed to complete the electrical circuit in the ignition of an automobile.

(3) "Key Cutter" means key-making device capable of cutting or punching out keys.

(4) "Person" means every individual, firm, partnership, association or corporation.

[(4)] (5) "Slidehammer", ~~or~~ "Slaphammer" OR DENT-PULLER means a device with a moveable weighted sleeve on a rod used to remove automobile locks.

(6) "SLIM-JIM" MEANS A DEVICE FOR UNLOCKING CAR DOORS.

(D) EVERY PERSON WHO SELLS, RENTS OR LENDS THE DEVICES LISTED IN THIS SECTION SHALL KEEP AT HIS PLACE OF BUSINESS A BOOK IN WHICH SHALL BE LEGIBLY WRITTEN, IN ENGLISH, AT THE TIME OF EACH TRANSACTION IN THE COURSE OF HIS BUSINESS, AN ACCURATE DESCRIPTION OF THE DEVICE SOLD, RENTED OR LENT, AND THE NAME, RESIDENCE, AND DESCRIPTION OF THE PERSON BUYING, RENTING OR BORROWING THE DEVICE; THE DESCRIPTION OF THE PERSON SHALL CONSIST OF THE COLOR, SEX, APPROXIMATE HEIGHT, AGE AND ANY DISTINGUISHING FEATURE OF SUCH PERSON.

(E) NO PERSON WHO PURCHASES, RECEIVES OR ACCEPTS SAID REGULATED TOOLS SHALL FAIL OR REFUSE TO GIVE HIS TRUE NAME, CORRECT AGE AND CORRECT ADDRESS.

[(c)] ~~or~~ (F) Any person violating the provisions of this subtitle is guilty of a misdemeanor and, upon the conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six months, or both.

Sec. 2. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved May 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 379

(Council No. 653)

AN ORDINANCE concerning

CITY STREET—OPENING HAWK STREET AND CONCORD STREET
LYING WITHIN THE MUNICIPAL CENTER
URBAN RENEWAL PROJECT

FOR the purpose of condemning and opening of (1) Hawk Street, extending from Market Place, Easterly to Concord Street and (2) Concord Street, extending from Lombard Street, Northerly to the former bed of Water Street and lying within the Municipal Center Urban Renewal Project in accordance with a plat thereof numbered 317-A-23K, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Sixteenth (16th) day of January, 1985.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open (1) Hawk Street, extending from Market Place, Easterly to Concord Street and (2) Concord Street, extending from Lombard Street, Northerly to the former bed of Water Street and lying within the Municipal Center Urban Renewal Project the streets hereby directed to be condemned for said opening being described as follows:

1—Hawk Street, 38.5 feet wide, extending from Market Place, varying in width, Easterly 161 feet, more or less, to Concord Street, 49.5 feet wide, and designated as Parcel No. 1.

2—Concord Street, 49.5 feet wide, extending from Lombard Street, varying in width, Northerly 194 feet, more or less, to the former bed of Water Street, as condemned and closed in accordance with Ordinance No. 1081, approved December 1, 1983 by the Mayor and City Council of Baltimore, and designated as Parcel No. 2.

The said Hawk Street and Concord Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 317-A-23K which was filed in the Office of the Department of Public Works on the Sixteenth (16th) day of January, in the year 1985, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and opening of said Hawk

Street and Concord Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved May 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 380

(Council No. 654)

AN ORDINANCE concerning

CITY STREET—CLOSING HAWK STREET AND CONCORD STREET
LYING WITHIN THE MUNICIPAL CENTER
URBAN RENEWAL PROJECT

FOR the purpose of condemning and closing of (1) Hawk Street, extending from Market Place, Easterly to Concord Street and (2) Concord Street, extending from Lombard Street, Northerly to the former bed of Water Street and lying within the Municipal Center Urban Renewal Project in accordance with a plat thereof numbered 317-A-23L, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Sixteenth (16th) day of January, 1985.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close (1) Hawk Street, extending from Market Place, Easterly to Concord Street and (2) Concord Street, extending from Lombard Street, Northerly to the former bed of Water Street and lying within the Municipal Center Urban Renewal Project the streets hereby directed to be condemned for said closing being described as follows:

1—Hawk Street, 38.5 feet wide, extending from Market Place, varying in width, Easterly 161 feet, more or less, to Concord Street, 49.5 feet wide, and designated as Parcel No. 1.

2—Concord Street, 49.5 feet wide, extending from Lombard Street, varying in width, Northerly 194 feet, more or less to the former bed of Water Street, as condemned and closed in accordance with Ordinance No. 1081, approved December 1, 1983 by the Mayor and City Council of Baltimore, and designated as Parcel No. 2.

The said Hawk Street and Concord Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 317-A-23L which was filed in the Office of the Department of Public Works on the Sixteenth (16th) day of January, in the year 1985, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting

through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purpose of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said Hawk Street and Concord Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved May 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 381

(Council No. 656)

AN ORDINANCE concerning

STREET ENCROACHMENT—COMMERCE STREET
AND CUSTOM HOUSE AVENUE

FOR the purpose of authorizing the construction and maintenance of an underground transformer access vault projecting 8 feet into the public right of way on Commerce Street from the west wall of the Chamber of Commerce Building; and a ramp and steps projecting 4'4" into the public right of way on Custom House Avenue from the east wall of the Chamber of Commerce Building.

BY authority

Article 32—Building Code of Baltimore City

Sections 310.1 and 310.2

Building Code of Baltimore City (1982 Edition and Supplement)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the construction and maintenance of an underground transformer access vault is hereby authorized on the west side of the property known generally as the

Chamber of Commerce Building, extending 8 feet into the sidewalk and being 12 feet wide; and construction and maintenance of a handicapped ramp and steps is authorized on the east side of the property known generally as the Chamber of Commerce Building. The steps shall extend 4 feet 4 inches out from the east side of the building and shall be 36 feet 3 inches wide. Except as specifically provided in this ordinance, all ordinances and rules and regulations of the Mayor and City Council shall be complied with in the construction and use of said structure.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved May 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 382

(Council No. 680)

AN ORDINANCE concerning

URBAN RENEWAL—COLDSPRING—AMENDMENT 4

FOR the purpose of amending the Urban Renewal Plan for Coldspring, to, among other things, add "Industrial" to the list of permitted land uses; change the land use and disposition lot pattern in order to create 2 new Disposition Lots for Industrial use and a Disposition Lot for Public Park/Recreation use; delete the recommended Zoning District change from M-1-1 to R-6 for the two Industrial Disposition Lots; create a pedestrian easement to facilitate access from the Woodberry community to certain public park land; revise certain Exhibits attached to the Urban Renewal Plan to reflect the changes proposed herein; waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1983 Replacement Volume) which the Renewal Plan for Coldspring may not meet; provide for the separability of the various parts and applications of this Ordinance; provide that where the provisions of this Ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and provide for an effective date thereof.

WHEREAS, an Urban Renewal Plan for Coldspring was approved by the Mayor and City Council of Baltimore by Ordinance No. 242, dated January 8, 1973, and amended by Ordinance 847, dated April 7, 1975 and by resolutions of the Board of Estimates on October 8, 1975 and April 21, 1982; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the

approval of renewal plans, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, it is necessary to amend the Urban Renewal Plan for Coldspring to permit industrial development on City-owned land presently designated for public park use in the southern portion of Coldspring and in accordance with State law (Article 5-906(e)7 of the Annotated Code of Maryland on Natural Resources, to designate land of at least equivalent area and open space value in another portion of Coldspring, as well as to designate a pedestrian easement in the southern portion of Coldspring to facilitate access from the Woodberry community to certain public park land; and

WHEREAS, the Department of Housing and Community Development has prepared a list of changes to the Renewal Plan for Coldspring, identified as "Amendment No. 4 to the Urban Renewal Plan for Coldspring, dated February 7, 1985"; and

WHEREAS, said Amendment No. 4 to the Renewal Plan for Coldspring has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan; the detailed location of any public improvements proposed in the amended Renewal Plan; its conformity to the rules and regulations for subdivisions; and its conformity to existing and proposed zoning classifications; and said Amendment No. 4 to the Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the following amendment and changes to the Renewal Plan for Coldspring, having been duly reviewed and considered, are hereby approved, and the Clerk of the City Council is hereby directed to file a copy of said Renewal Plan, revised to include Amendment No. 4, dated February 7, 1985, with the Department of Legislative Reference as a permanent public record and make the same available for public inspection and information:

I. In the Table of Contents:

a. page i, insert the following new subsection under "Description of Predominant Land Uses":

"Industrial C.2.f. 5"

b. page ii, section entitled "Exhibits", delete the dates following General Land Use Plan Map, Land Disposition Map, and Zoning Districts Map, and substitute "2/7/85".

2. In Section C.2, entitled "*Description of Predominant Land Uses*", add the following new subsection on page 5 after "e. Public":

"f. *Industrial*

In the area designated on the General Land Use Plan as Industrial, uses shall be limited to those permitted in the M-1 Zoning District by the Zoning Ordinance of Baltimore City (1984 Edition, as amended)."

3. Delete Exhibit ND 401-1 General Land Use Plan Map, dated as revised 2/27/75, Exhibit ND 401-3 Land Disposition Map, dated as revised 2/27/75, and Exhibit ND 401-4 Zoning Districts Map, dated as revised 12/3/79 and substitute new Exhibits ND 401-1, ND 401-3, and ND 401-4, dated as revised 2/7/85, in order to show the following changes in land use, disposition lots, and recommended zoning:

a. Change the land use and reduce the size of a portion of Disposition Lot 30 for Public Park/Recreation by creating two new Disposition Lots—Nos. 32 and 33—for Industrial use.

b. Change the land use of a portion of Disposition Lot 19 from Residential to Public Park/Recreation and create 2 new Disposition Lots—Nos. 34 and 35—for Residential use from the remainder of Disposition Lot 19.

c. Create a pedestrian easement of 10 feet in width along the southern boundary of Disposition Lot 33 to facilitate access to Disposition Lot 30 for Public Park/Recreation use.

d. Delete the recommended zoning change from M-1-1 to R-6 for new Disposition Lots 32 and 33.

SEC. 2 *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 3. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance, or the application thereof to any person or circumstances, is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 4. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which

establishes a lower standard for the promotion and protection of the public health and safety the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 5. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved May 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 383

(Council No. 712)

AN ORDINANCE concerning

PARKING - RESERVED
PARNELL AVENUE

FOR the purpose of providing for reserved parking on the north side of Parnell Avenue for Herbert Garrett.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the north side of Parnell Avenue, from a point 170' west of Central Avenue to a point 192' west of Central Avenue, parking is reserved for Herbert Garrett, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved May 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 384

(Council No. 713)

AN ORDINANCE concerning

PARKING - RESERVED
STREEPER STREET

FOR the purpose of providing for reserved parking on the west side of Streeper Street for Albert Antczak.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That on the west side of Streeper Street, from a point 20' south of Fait Avenue to a point 42' south of Fait Avenue, parking is reserved for Albert Antczak, displaying a permit.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved May 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 385

(Council No. 717)

AN ORDINANCE concerning

STUN GUNS

FOR the purpose of prohibiting the sale, transfer, possession or discharge of stun guns with certain exceptions.

BY adding

Article 19 - Police Ordinances

Subtitle - Pistols and Guns

Section 115(~~th~~)E)

Baltimore City Code (1983 Replacement Volume, as amended)

BY renumbering

Article 19 - Police Ordinances

Subtitle - Pistols and Guns

Section 115 (~~th~~) (E) to be Section 115(~~th~~)F)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:*

ARTICLE 19—POLICE ORDINANCES

Pistols and Guns

115. ~~++~~ (E) *It shall be unlawful for any person, firm, or corporation to sell, give away, lend, rent or transfer to any individual, firm or corporation a stun gun OR OTHER ELECTRONIC DEVICE BY WHATEVER NAME OR DESCRIPTION WHICH DISCHARGES A NON-PROJECTILE ELECTRIC CURRENT within the limits of the City of Baltimore. It further shall be unlawful for any person to possess, fire or discharge any SUCH stun gun OR ELECTRONIC DEVICE within the City. Nothing in this subsection shall be held to apply to any member of the Baltimore City Police Department or any other law enforcement officer while in performance of his or her official duty.*

SEC. 2. *And be it further ordained, That Section 115~~++~~(E) of the Baltimore City Code (1983 Replacement Volume, as amended) be renumbered as Section 115~~++~~(F).*

SEC. 3. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved May 3, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 386

(Council No. 520)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE
PARKING LOT—PENNINGTON AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the properties located at 4700-4704 Pennington Avenue, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 6.2-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the properties located at 4700-4704 Pennington Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.2-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".*

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved May 17, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 387

(Council No. 581)

AN ORDINANCE concerning

**ZONING - APPROVAL FOR CONDITIONAL USE
DRIVE-IN RESTAURANT WITH A DRIVE THROUGH WINDOW -
1001 E. FAYETTE STREET AND 519 N. EXETER STREET**

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the properties known as 1001 E. Fayette Street and 519 N. Exeter Street, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 6.3-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the properties known as 1001 E. Fayette Street and 519 N. Exeter Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance

shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect the 30th day of the date of its enactment.

Approved May 17, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 388

(Council No. 183)

AN ORDINANCE concerning

STORAGE CHARGES AT THE IMPOUNDING LOT

FOR the purpose of increasing the storage charges for non-commercial vehicles after 48 hours.

BY repealing and reordaining with amendments

Article 31—Transit and Traffic

Subtitle—Clear Streets

Section 96

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31—TRANSIT AND TRAFFIC

Clear Streets

96. Owner of vehicle to be sought.

After the vehicle has been removed to the auto pound the Director of the Department of Public Works must within two working days post notice to the owner of the vehicle and must within seven full working days post notice to the secured party by certified mail that (1) the Director has his vehicle in custody, (2) the location of storage of the vehicle, (3) that the vehicle will be sold at public auction to the highest bidder unless claimed by such owner within a stated period of time (not less than 21 days), and (4) that the owner of a vehicle impounded as abandoned has a right to contest the validity of the taking by application, on a form prescribed by the Director of the Department of Public Works, to a hearing officer within 10 days from the date of such application. Such application forms shall be sent to the owner and shall be made part of the notice letter. The Mayor shall appoint a hearing officer, who shall not be a member of any state or local police department, to hear applications to determine whether or not the vehicle

was abandoned, and, therefore, subject to impoundment under the Baltimore City Code. The Director of the Department of Public Works shall establish by regulation the procedures for the holding of the hearings. If it is determined that the vehicle was unlawfully impounded, the owner of such vehicle shall not be liable for any charge imposed for the towing and storage of the vehicle. The hearing officer's ruling in no way has any bearing on the fine, penalty or charge imposed by the District Court of Baltimore City for the violations of any traffic law.

In those instances where (1) the identity of the last registered owner of an impounded vehicle cannot be determined from the records of the Motor Vehicle Administration of the State of Maryland or any other State agency or country, (2) registration of the vehicle which gives no address for the owner, (3) it is impossible to determine with reasonable certainty the identity and address of each secured party, or (4) the certified mail notice required by this section is returned as undeliverable, then the Director of the Department of Public Works shall give the required notice by publication in at least one newspaper of general circulation in the area where the vehicle was found. In researching ownership, the Director of the Department of Public Works is not required to go beyond the name and address of the person who is the legal or title owner of such vehicle as noted on the records of the Motor Vehicle Administration of the State of Maryland, or similar agency in any other state or country.

If such owner appears to claim such vehicle, then it shall be returned to him, or his authorized representative, upon payment of all charges which have accrued thereon by virtue of its towing and storage, including collateral equivalent to the maximum fine for illegal parking where such vehicle was impounded as above described. If such vehicle is claimed by the owner or his authorized representative upon payment of all charges accrued, such payment will not affect the owner's right to a hearing prescribed above or be taken as an admission on whether or not the towing of the vehicle was authorized under the Baltimore City Code. An owner or his authorized representative whose vehicle has been impounded as abandoned and who claims the vehicle within 48 hours after the vehicle has been removed to the auto pound (1) must be notified in writing that the owner has a right to contest the validity of the taking before a hearing officer and (2) the owner must make application within 10 days thereafter of this intention to contest the validity of the taking to the hearing officer.

The Director shall not be required to give notice and a hearing shall not be held in the case of a vehicle that is more than eight years old and has no engine or otherwise is totally inoperable.

Storage charges to be collected shall be at the rate of \$15.00 for each vehicle (other than a commercial vehicle as defined in the State Motor Vehicle Act) delivered to the storage area, such cost to cover storage for a period not exceeding two consecutive days or a total of 48 hours. Charges for commercial vehicles shall be such as may be established and made public by the Director.

There shall be an additional charge of [\$4.00] ~~\$5.00~~ \$6.00 for each day or fractional part thereof after such 48 hour period during which such non-commercial

motor vehicle is stored. The charges here imposed are in addition to any fine, penalty or charge imposed for the violation of any other traffic law.

If following trial in the District Court of Baltimore City or other tribunal, the owner or operator of any vehicle so removed is found not guilty upon a traffic charge, even though the hearing officer ruled otherwise with respect to the towing of an abandoned vehicle, such sums advanced or posted by such owner or operator, as above provided, shall be returned to the owner or to the person who advanced or posted them.

When such vehicle is thus reclaimed its owner or operator shall sign a receipt thereof.

In cases where the owner asserts that certain accessories, contents or other items of personal property are missing when he reclaims said vehicle, such claim shall be noted on the aforesaid receipt, the matter of the missing property left open for future determination and the vehicle, together with its contents, duly released to its owner or operator.

In case such owner or operator does not claim such vehicle within the aforesaid time limit, the Director shall proceed to sell or dispose of such vehicle at public auction, as hereinafter provided, and no such vehicle held at such auto pound may be released therefrom without the written approval of the Director of the Department of Public Works, whose approval however, may not be unreasonably withheld.

SEC. 2. *And be it further ordained.* That this ordinance shall take effect July 1, 1984.

Approved May 24, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 389

(Council No. 635)

AN ORDINANCE concerning

RECORDATION TAX

FOR the purpose of increasing the rate of tax for the recording of certain instruments.

BY repealing and reordaining with amendments

Article 28 - Taxes

Subtitle - Recordation Tax

Section(s) 69

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) by added, repealed, or amended, to read as follows:

ARTICLES 28 – TAXES

Recordation Tax

69. Provisions.

Pursuant to the authority conferred by Section 277(q) of Article 81 of the Annotated Code of Maryland, as said section was enacted by Chapter 452 of the Acts of the 1968 General Assembly, the rate of tax applicable to instruments recorded with the Clerk of the Superior Court of Baltimore City shall be as follows:

In the case of instruments conveying title to property, the tax shall be at the rate of [\$2.50] \$2.75 for each \$500 or fractional part thereof of the actual consideration paid or to be paid; in the case of instruments securing a debt, the tax shall be at the rate of [\$2.50] \$2.75 for each \$500 of the principal amount of the debt secured.

SECTION 2. *AND BE IT FURTHER ORDAINED, THAT UPON THE PASSAGE OF THIS BILL, THE DIRECTOR OF FINANCE SHALL TRANSMIT A COPY OF THE ORDINANCE TO THE CLERK OF THE CIRCUIT COURT.*

SEC. 23. *And be it further ordained, That this ordinance shall take effect July 1, 1985.*

Approved May 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 390

(Council No. 689)

AN ORDINANCE concerning

PARKING FINES

FOR the purpose of raising the fine for certain commercial trucks standing longer than one hour in front of residential properties AND LONGER THAN FOUR HOURS ON ANY CITY STREET.

BY repealing and reordaining with amendments

Article 31 – Transit and Traffic

Subtitle – Parking and Stopping Fines, Penalties and Procedures

Section 152(p)

Baltimore City Code (1983 Replacement Volume, as amended)

BY adding

Article 31 – Transit and Traffic

Subtitle – Parking and Stopping Fines, Penalties and Procedures

~~Section 152 (p)~~ SECTION(S) 152 (P-1) AND 152 (P-2)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 – TRANSIT AND TRAFFIC

Parking and Stopping Fines, Penalties and Procedures

152. Parking and stopping fines.

Within the limits of the City of Baltimore the following parking and stopping fines are imposed in addition to the costs stipulated in the Annotated Code of Maryland:

(p) Parking a commercial vehicle *under 20,000 pounds gross vehicle weight* in front of *or beside* a residence for more than one hour unless the operator is performing work within one block, \$25.00.

~~(p)~~ (P-1) *Parking a commercial vehicle exceeding 20,000 pounds gross vehicle weight in front of or beside a residence for more than one hour unless the operator is performing work within one block, \$75.00.*

(P-2) PARKING A COMMERCIAL VEHICLE EXCEEDING 20,000 POUNDS GROSS WEIGHT ON ANY STREET, LANE OR ALLEY FOR MORE THAN 4 HOURS, \$75.00.

SEC. 2. *And be it further ordained, That* this ordinance shall take effect ~~September~~ DECEMBER 1, 1985.

Approved May 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 391

(Council No. 580)

AN ORDINANCE concerning

ZONING – APPROVAL FOR CONDITIONAL USE PARKING LOT – 3110-3130 CRITTENTON PLACE

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the southern portion of the property known as 3110-3130 Crittenton Place, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 4.7-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the southern portion of the property known as 3110-3130 Crittenton Place, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.7-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved June 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 392

(Council No. 613)

AN ORDINANCE concerning

**ZONING—APPROVAL FOR CONDITIONAL USE
HOME FOR THE HOMELESS COMMUNITY CORRECTIONS CENTER
(JUVENILE)—1501-1503 PRESSTMAN STREET**

FOR the purpose of granting permission for the establishment, maintenance and operation of a ~~non-profit home for the care and custody of homeless persons~~ COMMUNITY CORRECTIONS CENTER FOR JUVENILES on the properties known as 1501-1503 Presstman Street, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 4.8-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a non-profit home for the care and custody of homeless persons COMMUNITY CORRECTIONS CENTER FOR JUVENILES, on the properties known as 1501-1503 Presstman Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved June 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 393

(Council No. 427)

AN ORDINANCE concerning

CITY STREET—OPENING OF VAIL STREET

FOR the purpose of condemning and opening Vail Street, extending from O'Donnell Street, Southerly to the end thereof in accordance with a plat thereof numbered 345-A-1, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-seventh (27th) day of August, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed

to condemn and open Vail Street, extending from O'Donnell Street, Southerly to the end thereof the street hereby directed to be condemned for said opening being described as follows:

Beginning for the same at a point formed by the intersection of the south side of O'Donnell Street as now laid out 50 feet wide, and the east side of Vail Street, 30 feet wide, and running thence binding on the east side of said Vail Street, Southerly 382 feet, more or less, to the end thereof; thence binding on the southernmost extremity of said Vail Street, Westerly 30 feet, more or less, to the west side of said Vail Street; thence binding on the west side of said Vail Street, Northerly 382 feet, more or less, to intersect the south side of said O'Donnell Street, and thence binding on the south side of said O'Donnell Street, Easterly 30 feet, more or less, to the place of beginning.

The said Vail Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 345-A-1 which was filed in the Office of the Department of Public Works on the Twenty-seventh (27th) day of August in the year 1984 and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said Vail Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 6, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 394

(Council No. 428)

AN ORDINANCE concerning

CITY STREET—CLOSING OF VAIL STREET

FOR the purpose of condemning and closing Vail Street, extending from O'Donnell Street, Southerly to the end thereof in accordance with a plat thereof numbered 345-A-1A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-seventh (27th) day of August, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close Vail Street, extending from O'Donnell Street, Southerly to the end thereof the street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at a point formed by the intersection of the south side of O'Donnell Street as now laid out 50 feet wide, and the east side of Vail Street, 30 feet wide, and running thence binding on the east side of said Vail Street, Southerly 382 feet, more or less, to the end thereof; thence binding on the southernmost extremity of said Vail Street, Westerly 30 feet, more or less, to the west side of said Vail Street; thence binding on the west side of said Vail Street, Northerly 382 feet, more or less, to intersect the south side of said O'Donnell Street, and thence binding on the south side of said O'Donnell Street, Easterly 30 feet, more or less, to the place of beginning.

The said Vail Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 345-A-1A which was filed in the Office of the Department of Public Works on the Twenty-seventh (27th) day of August in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or cor-

poration shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and closing of said Vail Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 6, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 395

(Council No. 740)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING ORDINANCE -
RAVENWOOD AVENUE

FOR the purpose of repealing Ordinance No. 349, which provided for reserved parking on the south side of Ravenwood Avenue for Joanne Biddinger.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Ordinance No. 349, approved June 27, 1977, be and the same is hereby repealed and the reserved parking on Ravenwood Avenue west of the 1st alley west of Chesterfield Avenue herein provided, is hereby rescinded.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved June 6, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 396

(Council No. 719)

AN ORDINANCE concerning

PARKING-RESERVED
WEBSTER STREET

FOR the purpose of providing for reserved parking on the west side of Webster Street for Jeffrey Judy.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the west side of Webster Street, from a point 120' south of Heath Street to a point 142' south of Heath Street, parking is reserved for Jeffrey Judy, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved June 11, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 397

(Council No. 738)

AN ORDINANCE concerning

PARKING - RESERVED
LYNDALE AVENUE

FOR the purpose of providing for reserved parking on the south side of Lyndale Avenue for Dorothy Ravenis.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That on the south side of Lyndale Avenue, from a point 85' east of Raymonn Avenue to a point 107' east of Raymonn Avenue, parking is reserved for Dorothy Ravenis, displaying a permit.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved June 11, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 398

(Council No. 739)

AN ORDINANCE concerning

PARKING - RESERVED
ULMAN AVENUE

FOR the purpose of providing for reserved parking on the south side of Ulman Avenue for Ethel Mae House.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That on the south side of Ulman Avenue, from a point 173' west of Reisterstown Road to a point 195' west of Reisterstown Road, parking is reserved for Ethel Mae House, displaying a permit.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved June 11, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 399

(Council No. 749)

AN ORDINANCE concerning

PARKING—RESERVED
KENYON AVENUE

FOR the purpose of providing for reserved parking on the east side of Kenyon Avenue for Charlotte Pirrera.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the east side of Kenyon Avenue, from a point 78' north of Ravenwood Avenue to a point 98' north of Ravenwood Avenue, parking is reserved for Charlotte Pirrera, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved June 11, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 400

(Council No. 781)

AN ORDINANCE concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
(MILL CENTRE LIMITED PARTNERSHIP FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$1,700,000 pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Mill Centre Limited Partnership, a Maryland limited partnership, of a certain facility in Baltimore City consisting of the acquisition of approximately 2.8 acres of real property known as Mill Centre and located at 2901 and 3000 Chestnut Avenue, including all existing improvements thereon, the renovation and improvement of existing structures to provide approximately 115,000 square feet of leaseable office, commercial, industrial and storage space, parking facilities, and other functionally related and subordinate facilities, and the purchase and installation of certain machinery and equipment therein, to be owned by Mill Centre Limited Partnership, and leased to various tenants such

as craftsmen, artists, service firms, professional organizations and galleries; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated March 20, 1985 from Mill Centre Limited Partnership to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Mill Centre Limited Partnership shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated March 20, 1985 (the "Letter of Intent") from Mill Centre Limited Partnership, a Maryland limited partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling

the City's economic development revenue bonds in the aggregate principal amount not to exceed \$1,700,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility by the Borrower.

The Letter of Intent expresses the Borrower's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code, imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 4 hereof.

The Facility, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of a tract of land containing approximately 2.8 acres, known as Mill Centre and located at 2901 and 3000 Chestnut Avenue in Baltimore City, including all existing improvements thereon, (b) the renovation and improvement of existing structures to provide approximately 115,000 square feet of leasable office, commercial, industrial and storage space, parking facilities, and other functionally related and subordinate facilities, (c) the acquisition and installation of any or all machinery and equipment as may be necessary or useful in connection with the foregoing, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads, parking and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Facility will be owned by the Borrower and leased to various tenants, such as craftsmen, artists, service firms, professional organizations and galleries.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole

and exclusive purpose of financing the costs of completion of the Facility will facilitate and expedite the completion of the Facility by the Borrower.

(2) The completion of the Facility by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; (d) serving as a "nurturing facility" for new and growing small businesses by providing inexpensive industrial, commercial and office space in a secure, accessible neighborhood with an array of supportive services (such as word processing, meeting rooms, etc); and (e) upgrading and improving a vacant deteriorated complex.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$1,700,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City intends that the enactment of this Ordinance shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Ordinance, the Bor-

rower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the adoption of a resolution by the Board, as described in Section 5(a) below, the Borrower does so at its own risk.

SEC. 4. *And be it further ordained*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues it bonds (within the meaning of the Enabling Law, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Law and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 4, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Facility; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 6. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 8. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such of-

ficer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 9. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 10. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. The maturity of such bond anticipation notes shall not exceed twelve years from the date of issuance of such bond anticipation notes. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Facility; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, under such terms as may be approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 11. *And be it further ordained*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Ordinance, by such vote, and the Mayor of the City, by his approval of this Ordinance, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 12. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the

authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 14. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 11, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 401

(Council No. 631)

AN ORDINANCE concerning

~~ZONING—APPROVAL FOR CONDITIONAL USE
HOME FOR ALCOHOLIC PERSONS—3800 FREDERICK AVENUE~~

FOR the purpose of granting permission for the establishment, maintenance and operation of a non-profit home for the rehabilitation of non-bedridden alcoholic persons on the property known as 3800 Frederick Avenue, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 4.6-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted to St. Joseph's Passionist Retreat, Incorporated, for the establishment, maintenance and operation of a non-profit home for the rehabilitation of non-bedridden alcoholic persons on the property known as 3800 Frederick Avenue, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.6-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended), title "Zoning".

SEC. 2. *And be it further ordained*, That whenever the continuous operation of such use has been discontinued for a period of twelve (12) consecutive months, it shall not be thereafter re-established unless a new ordinance is approved by the Mayor and City Council of Baltimore.

SEC. 3. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Com-

missioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

Sec. 4. And be it further ordained, That this ordinance shall take effect on the 30th day after the date of its enactment.

ZONING - PLANNED UNIT DEVELOPMENT
ST. JOSEPH'S PASSIONIST RETREAT, INC.

FOR THE PURPOSE OF APPROVING THE APPLICATION OF ST. JOSEPH'S PASSIONIST RETREAT, INC. (THE "CORPORATION") TO HAVE THE PROPERTY KNOWN AS ST. JOSEPH'S MONASTERY, 3800 FREDERICK AVENUE, BALTIMORE CITY, MARYLAND, CONSISTING OF 14.751 ACRES, MORE OR LESS (THE "PROPERTY") (SPECIFICALLY EXCEPTING THAT CERTAIN PROPERTY LYING EAST OF MONASTERY AVENUE AND SOUTH OF OLD FREDERICK ROAD, CONSISTING OF 7/8 ACRE, MORE OR LESS, WHICH BY DEED DATED APRIL 1, 1931, WAS CONVEYED BY THE CORPORATION TO THE ROMAN CATHOLIC ARCHBISHOP OF BALTIMORE), DESIGNATED A RESIDENTIAL PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH §§12.0-1 and 12.0-2 OR ARTICLE 30 OF THE BALTIMORE CITY CODE (1983 REPLACEMENT VOLUME, AS AMENDED) AND TO APPROVE THE DEVELOPMENT PLAN SUBMITTED BY THE CORPORATION.

WHEREAS, THE CORPORATION DESIRES TO LEASE FOR A PERIOD NOT TO EXCEED TWO YEARS FROM THE DATE OF THE ENACTMENT OF THIS ORDINANCE THE RETREAT HOUSE, LOCATED ON THE PROPERTY, TO QUARTERWAY, INC. UNDER THE AUSPICES OF THE UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE, FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF A NON-PROFIT HOME FOR THE REHABILITATION OF NON-BEDRIDDEN ALCOHOLIC PERSONS, SUCH REHABILITATION PROGRAM TO OFFER A LIMITED STAY OF APPROXIMATELY THREE (3) WEEKS UNDER THE SUPERVISION OF THE UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE'S THERAPEUTIC STAFF; AND

WHEREAS, ON FEBRUARY 27, 1985, REPRESENTATIVES OF THE CORPORATION MET WITH THE DEPARTMENT OF PLANNING OF BALTIMORE CITY TO HOLD A PRE-PETITION CONFERENCE TO EXPLAIN THE SCOPE AND NATURE OF EXISTING AND PROPOSED DEVELOPMENT ON THE PROPERTY IN ORDER TO INSTITUTE PROCEEDINGS TO HAVE SAID PROPERTY DESIGNATED AS A RESIDENTIAL PLANNED UNIT DEVELOPMENT; AND

WHEREAS, THE DEVELOPMENT PLAN ACCOMPANYING THIS ORDINANCE SHOWS APPROXIMATE AREAS AND BOUNDARIES AND DOES NOT INCLUDE PLANS FOR PROPOSED CONSTRUCTION DUE TO THE NATURE OF THE ONLY SPECIFIC DEVELOPMENT CONTEMPLATED AT THIS TIME, THAT BEING THE LEASE OF THE EX-

ISTING RETREAT HOUSE AS A TREATMENT CENTER FOR ALCOHOLIC PERSONS; AND

WHEREAS, THE CORPORATION HEREBY MAKES FORMAL APPLICATION TO THE CITY COUNCIL OF BALTIMORE CITY AND SUBMITS THE REQUISITE DEVELOPMENT PLAN; NOW, THEREFORE,

SECTION 1. *BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE*, THAT THE APPLICATION OF THE CORPORATION, AS OUTLINED IN THE DEVELOPMENT PLAN ACCOMPANYING THIS ORDINANCE, TO DESIGNATE THE PROPERTY AS A RESIDENTIAL PLANNED UNIT DEVELOPMENT PURSUANT TO ARTICLE 30, §§12.0-1 AND 12.0-2 OF THE ZONING CODE BE AND IT IS HEREBY APPROVED.

SEC. 2. *AND BE IT FURTHER ORDAINED*, THAT THE DEVELOPMENT PLAN SUBMITTED BY THE CORPORATION, ATTACHED HERETO AND MADE A PART HEREOF, BE AND IT IS HEREBY APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

THAT THE CORPORATION AGREES FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, THAT THE CORPORATION SHALL USE THAT PORTION OF THE PROPERTY KNOWN AS THE RETREAT HOUSE, AS OUTLINED IN GREEN AND DESIGNATED WITH THE LETTER "A" ON THE DEVELOPMENT PLAN, ONLY FOR THOSE PURPOSES TO WHICH IT HAS BEEN USED BY THE CORPORATION TO DATE, INCLUDING, BUT NOT LIMITED TO, A SPIRITUAL RETREAT CENTER, AND IN ADDITION, FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF A TEMPORARY NON-PROFIT HOME FOR THE REHABILITATION OF NON-BEDRIDDEN ALCOHOLIC PERSONS.

THAT THE CORPORATION AGREES FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, THAT THE CORPORATION SHALL USE THE PROPERTY CONSISTING OF THE EXISTING MONASTERY, CHURCH, AUXILIARY BUILDINGS, TENNIS COURT, AND PARKING LOT, AS OUTLINED IN BLUE AND DESIGNATED AS C-1, C-2, C-3 AND C-4 ON THE DEVELOPMENT PLAN, AND THE OPEN SPACE, AS OUTLINED IN RED AND DESIGNATED BY THE LETTER "B", ONLY FOR THOSE PURPOSES TO WHICH THEY HAVE BEEN USED BY THE CORPORATION TO DATE AND FOR SUCH OTHER PURPOSES AS ARE DIRECTLY RELATED TO THE SPIRITUAL AND RELIGIOUS ACTIVITIES OF THE CORPORATION; PROVIDED, HOWEVER, THE EXISTING MONASTERY AND CHURCH PARKING LOT, DESIGNATED AS C-3 ON THE DEVELOPMENT PLAN, SHALL ALSO BE USED FOR PARKING VEHICLES IN CONNECTION WITH THE USE OF THE RETREAT HOUSE AS AN ALCOHOLIC REHABILITATION TREATMENT CENTER.

THAT THE CORPORATION AGREES FOR ITSELF, ITS SUCCESSORS AND ASSIGNS, THAT THE USE OF THE PROPERTY AUTHORIZED HEREIN, AND ANY FUTURE DEVELOPMENT OF THAT PORTION OF

THE PROPERTY WHICH IS OPEN SPACE, AS OUTLINED IN RED AND DESIGNATED BY THE LETTER "B" ON THE DEVELOPMENT PLAN, TO THE EXTENT APPROVED BY THE BALTIMORE CITY COUNCIL, SHALL CONSTITUTE A WELL-DESIGNED DEVELOPMENT THAT WILL HAVE A BENEFICIAL EFFECT UPON THE HEALTH, SAFETY, SECURITY AND GENERAL WELFARE OF THE NEIGHBORING AREAS AND THE CITY GENERALLY.

SEC. 3. *AND BE IT FURTHER ORDAINED*, THAT UPON PASSAGE OF THIS ORDINANCE BY THE CITY COUNCIL, AS EVIDENCE OF THE AUTHENTICITY OF THE DEVELOPMENT PLAN, WHICH IS A PART HEREOF, AND IN ORDER TO GIVE NOTICE TO THE DEPARTMENTS WHICH ARE ADMINISTERING THE ZONING ORDINANCE, THE PRESIDENT OF THE CITY COUNCIL SHALL SIGN THE DEVELOPMENT PLAN, AND WHEN THE MAYOR APPROVES THE ORDINANCE, HE SHALL SIGN THE DEVELOPMENT PLAN. THE DIRECTOR OF FINANCE SHALL THEN TRANSMIT A COPY OF THE ORDINANCE AND THE DEVELOPMENT PLAN TO THE BOARD OF MUNICIPAL AND ZONING APPEALS, THE PLANNING COMMISSION, THE SUPERVISOR OF ASSESSMENTS FOR BALTIMORE CITY AND THE ZONING ADMINISTRATOR OF BALTIMORE CITY.

SEC. 4. *AND BE IT FURTHER ORDAINED*, THAT SUBSEQUENT TO THE PASSAGE OF THIS ORDINANCE BY THE CITY COUNCIL OF BALTIMORE, ALL CHANGES IN THE DEVELOPMENT PLAN SHALL BE REVIEWED AND APPROVED BY THE PLANNING COMMISSION TO INSURE THAT SUCH CHANGES ARE CONSISTENT WITH THIS ORDINANCE.

SEC. 5. *AND BE IT FURTHER ORDAINED*, THAT THIS ORDINANCE SHALL TAKE EFFECT FROM THE DATE OF ITS ENACTMENT.

Approved June 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 402

(Council No. 666)

AN ORDINANCE concerning

REZONING—2113-2117 E. OLIVER STREET

FOR the purpose of changing the zoning for the properties known as 2113-2117 E. Oliver Street, from the R-8 Zoning District to the M-1-2 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 47

Article 30—Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 47 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-8 Zoning District to the M-1-2 Zoning District as outlined in red on the plats accompanying this ordinance the properties known as 2113-2117 E. Oliver Street.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved June 13, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 403

(Council No. 809)

AN ORDINANCE concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS—
(MOUNT ROYAL APARTMENTS LIMITED PARTNERSHIP FACILITY)**

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$9,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Mount Royal Apartments Limited Partnership, a Maryland limited partnership, of a rental apartment project in Baltimore City which will consist of (a) the acquisition of the land and the existing buildings located at 101-103 East Mount Royal Avenue, 1302-1310 North Calvert Street and 1313 St. Paul Street, (b) the renovation of the buildings at 101-103 East Mount Royal Avenue into (i) approximately 120 TO 132 residential rental apartments and facilities functionally related and subordinate thereto and (ii) approximately 20,000 square feet of ancillary commercial space, (c) the demolition of the existing structures at 1302-1310 North Calvert Street and 1313 St. Paul Street (except the front facade of the former building) and construction thereon of a multi-story parking facility for approximately 140 TO 180 vehicles, a swimming pool and a bathhouse, and (d) the acquisition and construction of other facilities functionally related and subordinate to the residential rental apartments described above, all to be owned by Mount Royal Apartments Limited Partnership and leased to various tenants, which may include private residential tenants and retail tenants; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated April 29, 1985 from Mount Royal Apartments Limited Partnership to the City, AS SUPPLEMENTED; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Mount Royal Apartments Limited Partnership shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one six-month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the is-

suance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated April 29, 1985 (AND A SUPPLEMENTAL LETTER OF INTENT DATED JUNE 6, 1985 (COLLECTIVELY, the "Letter of Intent") from Mount Royal Apartments Limited Partnership, a Maryland limited partnership (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$9,000,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility by the Borrower.

The Letter of Intent expresses the Borrower's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"), and the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 4 hereof.

The Facility, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, and the acquisition, renovation and construction thereof, will be a rental apartment project which will consist of (a) the acquisition of (i) the land containing approximately 40,000 square feet located at 101-103 East Mount Royal Avenue, 1302-1310

North Calvert Street and 1313 St. Paul Street and (ii) the existing buildings thereon, (b) the renovation of the buildings at 101-103 East Mount Royal Avenue into (i) approximately 120 TO 132 residential rental apartments and facilities functionally related and subordinate thereto and (ii) approximately 20,000 square feet of ancillary commercial space, (c) the demolition of the existing structures at 1302-1310 North Calvert Street and 1313 St. Paul Street (except the front facade of the former building) and construction thereon of a multi-story parking facility for approximately 140 TO 180 vehicles, a swimming pool and a bathhouse, (d) the acquisition, construction and installation on and in such land and buildings of necessary and useful equipment and any and all other facilities functionally related and subordinate to the residential rental apartments described above, and (e) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. The Facility will be owned by the Borrower and leased to various tenants, which may include private residential tenants and retail tenants.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Facility will facilitate and expedite the completion of the Facility by the Borrower.

(2) The completion of the Facility by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City through, among other things, providing rental housing for persons employed and to be employed in Baltimore City and for residents of the City who will be employed outside of Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; and (d) promoting the health, welfare and safety of the residents of Baltimore City.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the

sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$9,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City intends that the enactment of this Ordinance shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Ordinance, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the adoption of a resolution by the Board, as described in Section 5(a) below, the Borrower does so at its own risk.

SEC. 4. *And be it further ordained*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and State laws in effect at the time of issuance of the Bonds which may restrict the issuance of industrial development bonds, and (b) issues its bonds (within the meaning of the Enabling Law and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

- (a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Facility; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 6. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 8. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his

manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 9. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 10. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Cumulative Supplement), as amended, or any successor provision of law (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar

agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Facility; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, under such terms as may be approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 11. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six-month period, may extend the

period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six-month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six-month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 13. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 404

(Council No. 691)

AN ORDINANCE concerning

PARKING - RESERVED
LYNDALE AVENUE

FOR the purpose of providing for reserved parking on the south side of Lyndale Avenue for Russell Falk.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the south side of Lyndale Avenue, from a point 376' west of Chesterfield Avenue to a point 400' west of Chesterfield Avenue, parking is reserved for Russell Falk, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved June 14, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 405

(Council No. 787)

AN ORDINANCE concerning

ISSUANCE OF CONSOLIDATED BOND ANTICIPATION NOTES

FOR the purpose of amending the provisions of Ordinance No. 97, approved June 18, 1984, to add the new loan authorizations approved by the voters in the general election of November 6, 1984, to add the loan authorizations approved by the voters in the general election of November 8, 1983, originally included in Ordinance 69 of 1984, but repealed by Ordinance 97 of 1984, to add provisions originally included in Ordinance 937 of 1983, but repealed by Ordinance 97 of 1984, and to increase the maximum amount of Consolidated Bond Anticipation Notes that can be outstanding at one time.

BY repealing and reordaining with amendments

Ordinance 97

Approved by the Mayor: June 18, 1984

WHEREAS, Ordinance 633, approved May 7, 1982, provided for the authorization and issuance by the Mayor and City Council of Baltimore of Consolidated Bond Anticipation Notes and Consolidated Bond Anticipation Refunding Notes to use the proceeds for stated public purposes; and

WHEREAS, Ordinance 937, approved May 5, 1983, repealed and reordained with amendments Ordinance 633 of 1982 by adding the loan authorizations that were approved by the voters in the general election held November 4, 1982; and

WHEREAS, Ordinance 69, approved May 14, 1984, amended Ordinance 937 of 1983 by adding loan authorizations approved by the voters in the general election held on November 8, 1983; and

WHEREAS, Ordinance 97, approved June 18, 1984, repealed and reordained with amendments Ordinance 937 of 1983 by, increasing the maximum amount of Consolidated Bond Anticipation Notes that can be outstanding at one time, but Ordinance 97 did not include the loan authorizations added by Ordinance 69 of 1984 or various provisions of Ordinance 937 of 1983; and

WHEREAS, This Ordinance increases the maximum amount of Consolidated Bond Anticipation Notes that can be outstanding at one time, adds the loan authorizations approved by the voters in the general election of November 8, 1983, originally included in Ordinance 69 of 1984 but excluded by Ordinance 97 of 1984, adds provisions originally included in Ordinance 937 of 1983 but repealed by Ordinance 97 of 1984, and adds the loan authorizations approved by the voters in the general election of November 6, 1984; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Ordinance 97 of the Mayor and City Council of Baltimore, entitled "Issuance of Consolidated Bond Anticipation Notes", and approved by the Mayor on June 18, 1984, be and it is repealed and reordained to read as follows:*

AN ORDINANCE concerning

ISSUANCE OF CONSOLIDATED BOND ANTICIPATION NOTES

FOR the purpose of authorizing and providing for the issuance, from time to time by the Mayor and City Council of Baltimore (the "City") of its bond anticipation notes, designated "Consolidated Bond Anticipation Notes," and its bond anticipation refunding notes, designated "Consolidated Bond Anticipation Refunding Notes," in an aggregate principal amount not exceeding that permitted by the Bond Acts (defined below), but not outstanding at any one time in excess of [seventy-five million dollars (\$75,000,000)] *one hundred million dollars (\$100,000,000)* pursuant to the provisions of Sections 12 and 24 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement) and in accordance with the general obligation bond authority set forth in (i) Chapter 140 of the Laws of Maryland of 1972, and Ordinance No. 110 of the City, approved by the Mayor on June 29, 1972, (ii) Chapter 467 of the Laws of Maryland of 1975, and Ordinance No. 74 of the City approved by the Mayor on June 16, 1976 (iii) Chapter 16 of the Laws of Maryland of 1980, and Ordinance No. 81 of the City approved by the Mayor on June 9, 1980, (iv) Chapter 12 of the Laws of Maryland of 1982, and Ordinance 677 of the City, approved by the Mayor on June 23, 1982, (v) Chapter 348 of the Laws of Maryland of 1975, and Ordinance 900 of the City, approved by the Mayor on June 13, 1975, (vi) Chapter 209 of the Laws of Maryland of 1976, and Ordinance No. 76 of the City, approved by the Mayor on June 16, 1976, (vii) Chapter 7 of the Laws of Maryland of 1982, and Ordinance 678 of the City, approved by the Mayor on June 23, 1982, (viii) Chapter 8 of the Laws of Maryland of 1982, and Ordinance 680 of the City, approved by the Mayor on June 23, 1982, (ix) Chapter 566 of the Laws of Maryland of 1968, and Ordinance No. 151 of the City, approved by the Mayor on June 28, 1968, (x) Chapter 9 of the Laws of Maryland of 1982, and Ordinance 679 of the City approved by the Mayor on June 23, 1982, (xi) Chapter 9 of the Laws of Maryland of 1979, and Ordinance No. 1031, approved by the Mayor on May 24, 1979, (xii) Chapter 13 of the Laws of Maryland of 1980, and Ordinance No. 82 of the City, approved by the Mayor on June 9, 1980, (xiii) Chapter 15 of the Laws of Maryland of 1979, and Ordinance No. 1037 of the City, approved by the Mayor on May 24, 1979, (xiv) Chapter 35 of the Laws of Maryland of 1980, and Ordinance No. 93 of the City, approved by the Mayor on June 12, 1980, (xv) Chapter 16 of the Laws of Maryland of 1979, and Ordinance No. 1038 of the City, approved by the Mayor on May 24, 1979, (xvi) Chapter 10 of the Laws of Maryland of 1982, and Ordinance 729 of the City, approved by the Mayor on June 29, 1982, (xvii) Chapter 130 of the Laws of Maryland of 1978, and Ordinance No. 791 of the City, approved by the Mayor on June 26, 1978, (xviii) Chapter 17 of the Laws of Maryland of 1979, and Ordinance No. 1039 of the City, approved by the Mayor on May 24, 1979 (xix) Chapter 14 of the Laws of Maryland of 1980, and Ordinance No. 83 of the City, approved by the Mayor, on June 9, 1980, (xx) Chapter 13 of the Laws of Maryland of 1982, and Ordinance No. 730 of the City, approved by the Mayor on June 29, 1982, (xxi) Chapter 20 of the Laws of Maryland of 1980, and Ordinance No 79 of the City, approved by the Mayor on June 9, 1980, (xxii) Chapter 463 of the Laws of Maryland of 1975, and Ordinance No. 899 of the City, approved by the Mayor

on June 13, 1975, (xxiii) Chapter 11 of the Laws of Maryland of 1979, and Ordinance No. 1033 of the City, approved by the Mayor on May 24, 1979, (xxiv) Chapter 17 of the Laws of Maryland of 1980, and Ordinance No. 76 of the City, approved by the Mayor on June 9, 1980, (xxv) Chapter 14 of the Laws of Maryland of 1979, and Ordinance No. 1036 of the City, approved by the Mayor on May 24, 1979, (xxvi) Chapter 18 of the Laws of Maryland of 1980, and Ordinance No. 80 of the City, approved by the Mayor on June 9, 1980, (xxvii) Chapter 11 of the Laws of Maryland of 1982, and Ordinance No. 681 of the City, approved by the Mayor on June 23, 1982, (xxviii) Chapter 15 of the Laws of Maryland of 1980, and Ordinance No. 75 of the City, approved by the Mayor on June 9, 1980, (xxix) Chapter 6 of the Laws of Maryland of 1982, and Ordinance No. 728 of the City, approved by the Mayor on June 9, 1982, (xxx) Chapter 128 of the Laws of Maryland of 1971, and Ordinance No. 1098 of the City, approved by the Mayor on June 29, 1971, (xxxi) Chapter 73 of the Laws of Maryland of 1978 and Ordinance No. 785 of the City, approved by the Mayor on June 26, 1978, (xxxii) Chapter 11 of the Laws of Maryland of 1983, and Ordinance No. 966 of the City, approved by the Mayor on June 22, 1983, (xxxiii) Chapter 12 of the Laws of Maryland of 1983, and Ordinance No. 969 of the City, approved by the Mayor on June 22, 1983, (xxxiv) Chapter 19 of the Laws of Maryland of 1983, and Ordinance No. 967 of the City, approved by the Mayor on June 22, 1983, (xxxv) Chapter 20 of the Laws of Maryland of 1983, and Ordinance No. 972 of the City, approved by the Mayor on June 22, 1983, (xxxvi) Chapter 18 of the Laws of Maryland of 1983, and Ordinance No. 968 of the City, approved by the Mayor on June 22, 1983, (xxxvii) Chapter 22 of the Laws of Maryland of 1983, and Ordinance No. 970 of the City, approved by the Mayor on June 22, 1983, (xxxviii) Chapter 15 of the Laws of Maryland of 1983, and Ordinance No. 974 of the City, approved by the Mayor on June 22, 1983, (xxxix) Chapter 21 of the Laws of Maryland of 1983, and Ordinance No. 971 of the City, approved by the Mayor on June 22, 1983, (xl) Chapter 14 of the Laws of Maryland of 1983, and Ordinance No. 965 of the City, approved by the Mayor on June 22, 1983, (xli) Chapter 13 of the Laws of Maryland of 1983, and Ordinance No. 973 of the City, approved by the Mayor on June 22, 1983, (xlii) Resolution VIII of 1984 of the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 99 of the City, approved by the Mayor on June 19, 1984, (xliii) Resolution V of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 115 of the City, approved by the Mayor on June 15, 1984, (xliv) Resolution VI of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 116 of the City, approved by the Mayor on June 25, 1984, (xlv) Resolution XII of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City and Ordinance No. 117 of the City, approved by the Mayor on June 25, 1984, (xlvi) Resolution II of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 118 of the City, approved by the Mayor on June 25, 1984, (xlvii) Resolution IX of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 119 of the City, approved by the Mayor on June 25, 1984, (xlviii) Resolution I of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 120 of the City, approved by the Mayor on June 25, 1984, (xlix) Resolution

VII of 1984, approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 121 of the City, approved by the Mayor on June 25, 1984, (l) Resolution IV of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 125 of the City, approved by the Mayor on June 27, 1984, (li) Resolution III of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 126 of the City, approved by the Mayor on June 27 1984, (lii) Resolution X of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 95 of the City approved by the Mayor on June 15, 1984, and (liii) Resolution XI of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 98 of the City, approved by the Mayor on June 19, 1984, (the "Bond Acts") in order to use the proceeds for the public purposes of (a) funding the purposes or uses set forth in the Bond Acts; (b) funding up to twelve (12) months capitalized interest on the notes (unless a longer period is allowed by law, in which case funding such interest up to the period permitted by law); (c) refunding and refinancing such notes as they mature or are redeemed; and (d) paying the costs of issuance of such notes; authorizing the use of obligations in the nature of commercial paper or demand notes and letters of credit ~~or related instruments~~ AND OTHER CREDIT ARRANGEMENTS; prescribing and determining certain other matters relating to the issuance and sale of the notes; providing that certain matters pertaining to the notes, including (without limitation) the amounts and dates of any series, maturity or maturities, method of competitive sale, if any, interest rate or rates, redemption provisions, if any, and the period, if any, during which interest will be capitalized, shall be determined administratively at or prior to the time of the sale of any series of such notes by resolution of the Board of Finance of the City; providing for the private (negotiated) sale of such notes or, upon certain findings and determinations by the Board of Finance, for the competitive sale of all or part of such notes; providing for the disbursement of the proceeds of such notes; providing for the payment of such notes from refunding notes or from the first proceeds of bonds to be issued on the full faith and credit of the City in an amount necessary, together with any other available funds, to provide for the payment of the principal of and interest on such notes ~~at maturity~~ WHEN DUE (WHETHER AT MATURITY OR BY ACCELERATION OR OTHERWISE); covenanting to issue general obligation bonds when, and as soon as, the reason for deferring the issuance thereof no longer exists; covenanting (in the event general obligation bonds are not issued to pay the principal of and interest on the notes when due, WHETHER AT MATURITY OR BY ACCELERATION OR OTHERWISE) to levy and collect all taxes necessary to provide for the payment of the principal of and interest on such notes WHEN DUE (WHETHER AT MATURITY OR BY ACCELERATION OR OTHERWISE); providing that the proceeds of such notes, or any monies which may be deemed to be proceeds, will not be used in a manner which would cause such notes to be arbitrage notes; providing that the Board of Finance may determine by resolution or other appropriate action certain other matters pertaining to the issuance, sale and delivery of any series of such notes; and generally relating to the issuance, sale, and delivery and payment of all such notes.

RECITALS

A. For convenience of reference, the Mayor and City Council of Baltimore, a municipal corporation organized and existing under the Constitution and laws of the State of Maryland, is hereinafter sometimes referred to as the "City".

B. The authority for the issuance of bond anticipation notes is set forth in Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement). Section 12 of Article 31 is sometimes referred to in this Ordinance as the "Bond Anticipation Note Act". The authority for the issuance of the bonds in anticipation of which the notes will be issued is set forth in (i) Chapter 140 of the Laws of Maryland of 1972, and Ordinance No. 110 of the City, approved by the Mayor on June 29, 1972, ratified by the voters on November 7, 1982, for \$3,700,000, (ii) Chapter 467 of the Laws of Maryland of 1975, and Ordinance No. 74 of the City approved by the Mayor on June 16, 1976, ratified by the voters on November 2, 1976, for \$5,750,000, (iii) Chapter 16 of the Laws of Maryland of 1980, and Ordinance No. 81 of the City approved by the Mayor on June 9, 1980, ratified by the voters on November 4, 1980, for \$3,000,000, (iv) Chapter 12 of the Laws of Maryland of 1982, and Ordinance 677 of the City, approved by the Mayor on June 23, 1982, ratified by the voters on November 4, 1982, for \$4,000,000, (v) Chapter 348 of the Laws of Maryland of 1975, and Ordinance 900 of the City, approved by the Mayor on June 13, 1975, ratified by the voters on November 4, 1975, for \$1,000,000, (vi) Chapter 209 of the Laws of Maryland of 1976, and Ordinance No. 76 of the City, approved by the Mayor on June 16, 1976, ratified by the voters on November 2, 1976, for \$1,000,000, (vii) Chapter 7 of the Laws of Maryland of 1982, and Ordinance 678 of the City, approved by the Mayor on June 23, 1982, ratified by the voters on November 4, 1982, for \$1,400,000, (viii) Chapter 8 of the Laws of Maryland of 1982, and Ordinance 680 of the City, approved by the Mayor on June 23, 1982, ratified by the voters on November 4, 1980, for \$1,000,000, (ix) Chapter 560 of the Laws of Maryland of 1968, and Ordinance No. 151 of the City, approved by the Mayor on June 28, 1968, ratified by the voters on November 5, 1968, for \$80,000,000, (x) Chapter 9 of the Laws of Maryland of 1982, and Ordinance 679 of the City approved by the Mayor on June 23, 1982, ratified by the voters on November 4, 1982, for \$2,600,000, (xi) Chapter 9 of the Laws of Maryland of 1979, and Ordinance No. 1031, approved by the Mayor on May 24, 1979, ratified by the voters on November 6, 1979, for \$7,300,000, (xii) Chapter 13 of the Laws of Maryland of 1980, and Ordinance No. 82 of the City, approved by the Mayor on June 9, 1980, ratified by the voters on November 4, 1980, for \$8,500,000, (xiii) Chapter 15 of the Laws of Maryland of 1979, and Ordinance No. 1037 of the City, approved by the Mayor on May 24, 1979, ratified by the voters on November 6, 1979, for \$2,000,000, (xiv) Chapters 35 of the Laws of Maryland of 1980, and Ordinance No. 93 of the City, approved by the Mayor on June 12, 1980, ratified by the voters on November 4, 1980, for \$6,000,000, (xv) Chapter 16 of the Laws of Maryland of 1979, and Ordinance No. 1038 of the City, approved by the Mayor on May 24, 1979, ratified by the voters on November 6, 1979, for \$4,000,000, (xvi) Chapter 10 of the Laws of Maryland of 1982, and Ordinance 729 of the City, approved by the Mayor on June 29, 1982, ratified by the voters on November 4, 1982, for \$5,000,000, (xvii) Chapter 130 of the Laws of Maryland of 1978, and Ordinance No. 791 of the City, approved by the Mayor on June 26, 1978, ratified by the voters on November 7, 1978, for \$7,500,000, (xviii) Chapter 17 of the Laws of Maryland of 1979, and Ordinance No. 1039 of the City, approved by the Mayor on May 24, 1979, ratified by the voters on November 6, 1979, for \$2,500,000, (xix)

Chapter 14 of the Laws of Maryland of 1980, and Ordinance No. 83 of the City, approved by the Mayor, on June 9, 1980, ratified by the voters on November 4, 1980, for \$3,000,000, (xx) Chapter 13 of the Laws of Maryland of 1982, and Ordinance No. 730 of the City, approved by the Mayor on June 29, 1982, ratified by the voters on November 4, 1982, for \$3,000,000, (xxi) Chapter 20 of the Laws of Maryland of 1980, and Ordinance No. 79 of the City, approved by the Mayor on June 9, 1980, ratified by the voters on November 4, 1980, for \$3,000,000, (xxii) Chapter 463 of the Laws of Maryland of 1975, and Ordinance No. 899 of the City, approved by the Mayor on June 13, 1975, ratified by the voters on November 4, 1975, for \$30,000,000, (xxiii) Chapter 11 of the Laws of Maryland of 1979, and Ordinance No. 1033 of the City, approved by the Mayor on May 24, 1979, ratified by the voters on November 6, 1979, for \$7,300,000, (xxiv) Chapter 17 of the Laws of Maryland of 1980, and Ordinance No. 76 of the City, approved by the Mayor on June 9, 1980, ratified by the voters on November 4, 1980, for \$8,000,000, (xxv) Chapter 14 of the Laws of Maryland of 1979, and Ordinance No. 1036 of the City, approved by the Mayor on May 24, 1979, ratified by the voters on November 6, 1979, for \$4,500,000, (xxvi) Chapter 18 of the Laws of Maryland of 1980, and Ordinance No. 80 of the City, approved by the Mayor on June 9, 1980, ratified by the voters on November 4, 1980, for \$16,000,000, (xxvii) Chapter 11 of the Laws of Maryland of 1982, and Ordinance No. 681 of the City, approved by the Mayor on June 23, 1982, ratified by the voters on November 4, 1982, for \$7,000,000, (xxviii) Chapter 15 of the Laws of Maryland of 1980, and Ordinance No. 75 of the City, approved by the Mayor on June 9, 1980, ratified by the voters on November 4, 1980, for \$12,000,000, (xxix) Chapter 6 of the Laws of Maryland of 1982, and Ordinance No. 728 of the City, approved by the Mayor on June 9, 1982, ratified by the voters on November 4, 1982, for \$3,000,000, (xxx) Chapter 128 of the Laws of Maryland of 1971, and Ordinance No. 1098 of the City, approved by the Mayor on June 29, 1971, ratified by the voters on November 2, 1971, for \$7,800,000, (xxxi) Chapter 73 of the Laws of Maryland of 1978 and Ordinance No. 785 of the City, approved by the Mayor on June 26, 1978, ratified by the voters on November 7, 1978, for \$5,600,000, (xxxii) Chapter 11 of the Laws of Maryland of 1983, and Ordinance No. 966 of the City, approved by the Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$3,250,000, (xxxiii) Chapter 12 of the Laws of Maryland of 1983, and Ordinance No. 969 of the City, approved by the Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$1,250,000, (xxxiv) Chapter 19 of the Laws of Maryland of 1983, and Ordinance No. 967 of the City, approved by the Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$7,000,000, (xxxv) Chapter 20 of the Laws of Maryland of 1983, and Ordinance No. 972 of the City approved by the Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$1,500,000, (xxxvi) Chapter 18 of the Laws of Maryland of 1983, and Ordinance No. 968 of the City, approved by the Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$4,500,000, (xxxvii) Chapter 22 of the Laws of Maryland of 1983, and Ordinance No. 970 of the City, approved by the Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$2,500,000, (xxxviii) Chapter 15 of the Laws of Maryland of 1983, and Ordinance No. 974 of the City, approved by the Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$2,500,000, (xxxix) Chapter 21 of the Laws of Maryland of 1983, and Ordinance No. 971 of the City, approved by the Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$6,000,000, (xl) Chapter 14 of the Laws of Maryland of 1983, and Ordinance No. 965 of the City, approved by the

Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$3,000,000, (xli) Chapter 13 of the Laws of Maryland of 1983, and Ordinance No. 973 of the City, approved by the Mayor on June 22, 1983, ratified by the voters on November 11, 1983, for \$2,000,000, (xlii) Resolution VIII of 1984 of the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 99 of the City, approved by the Mayor on June 19, 1984, ratified by the voters on November 6, 1984, for \$4,900,000, (xliii) Resolution V of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 115 of the City, approved by the Mayor on June 25, 1984, ratified by the voters on November 6, 1984, for \$3,000,000, (xliv) Resolution VI of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 116 of the City, approved by the Mayor on June 25, 1984, ratified by the voters on November 6, 1984, for \$6,000,000, (xlv) Resolution XII of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 117 of the City, approved by the Mayor on June 25, 1984, ratified by the voters on November 6, 1984, for \$10,000,000, (xlvi) Resolution II of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 118 of the City, approved by the Mayor on June 25, 1984, ratified by the voters on November 6, 1984, for \$1,000,000, (xlvii) Resolution IX of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 119 of the City, approved by the Mayor on June 25, 1984, ratified by the voters on November 6, 1984, for \$2,000,000, (xlviii) Resolution I of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 120 of the City, approved by the Mayor on June 25, 1984, ratified by the voters on November 6, 1984, for \$12,000,000, (xlix) Resolution VII of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 121 of the City, approved by the Mayor on June 25, 1984, ratified by the voters on November 6, 1984, for \$4,000,000, (l) Resolution IV of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 125 of the City, approved by the Mayor on June 27, 1984, ratified by the voters on November 6, 1984, for \$6,000,000, (li) Resolution III of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 126 of the City, approved by the Mayor on June 27, 1984, ratified by the voters on November 6, 1984, for \$2,500,000, (lii) Resolution X of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 95 of the City approved by the Mayor on June 15, 1984, ratified by the voters on November 6, 1984, for \$2,500,000, and (liii) Resolution XI of 1984 approved by the members of the General Assembly of Maryland representing Baltimore City, and Ordinance No. 98 of the City, approved by the Mayor on June 19, 1984, ratified by the voters on November 6, 1984, for \$9,500,000. The Chapters and Ordinances listed above in this Recital B are collectively referred to as the "Bond Acts".

C. The Bond Anticipation Note Act authorizes and empowers the City to borrow money in anticipation of the issuance of its bonds and to evidence such borrowing by the issuance and sale of its bond anticipation notes in aggregate amount not greater than the authorized amount of the bonds in anticipation of the sale of which the notes are issued and sold. The Bond Anticipation Note Act provides

that such notes shall be payable as to interest and principal (except to the extent paid from proceeds of the sale of the notes) from the first proceeds of the bonds in anticipation of the sale of which such notes are issued. The Bond Anticipation Note Act further authorizes and empowers the City to pay up to twelve months interest on the notes from the proceeds of the notes.

D. The general obligation bonds authorized to be issued pursuant to the Bond Acts are sometimes referred to herein as the "Bonds".

E. The Bond Acts confer upon the Board of Finance of the City (as successor to the Commissioners of Finance of the City) certain powers in connection with the Bonds, including, without limitation, the power to determine the form or forms of Bonds, the date of the Bonds issued at any particular time, the right of redemption of the Bonds prior to maturity and the rate or rates of interest to be borne by the Bonds.

F. The Bond Anticipation Note Act authorizes the sale of any notes to be issued pursuant to such Act by public sale or by private negotiation with prospective purchasers, if such negotiated sale is deemed by the City to be in the best interest of the City.

G. Authority for the issuance of refunding notes is contained in Article 31, Section 24 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement). Article 31, Section 24 is sometimes referred to in this Ordinance as the "Refunding Bond Enabling Act".

H. The Refunding Bond Enabling Act authorizes and empowers the City to issue and sell refunding obligations for the purpose of refunding any of its obligations then outstanding, provided that the public purpose of realizing savings in the effective costs of debt service to the City is achieved. Such savings may be a direct result of the refunding or may result from a reduction in debt service effectuated through a debt restructuring. The City may determine that any refunding obligations be sold on a negotiated basis without the solicitation of bids.

I. The City proposes to spend the proceeds of such refunding notes hereby authorized for the general public purposes of paying, prepaying, refinancing or restructuring the debt evidenced by the bond anticipation notes or any refunding notes issued pursuant to this Ordinance.

J. The City desires to use its borrowing powers to provide for an effective and flexible debt management program to meet the borrowing needs of the City in a responsible manner by using recently available financing methods designed to provide substantial advantages to municipal borrowers during unfavorable bond market conditions.

SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That, acting pursuant to the Bond Anticipation Note Act and the Refunding Bond Enabling Act and in accordance with the Bond Acts, it is hereby found and determined, as follows:

(a) General economic conditions are extremely unsettled and require sensitive and careful debt management in order to reduce to the greatest extent practical the cost of borrowing to the City.

(b) *Current bond market conditions are unusual, erratic, and extraordinarily unfavorable in comparison to historical bond market conditions. An inflexible approach to borrowing by the City threatens its ability to initiate necessary capital projects and will diminish the resources available to provide for the needs of the citizens of the City in the future. A flexible approach to borrowing taking advantage of demand for certain short term and other municipal obligations will best serve the interest of the City.*

(c) *The existence of an expanding market for tax-exempt obligations structured in the form of short term or demand obligations or commercial paper or other obligations having varying and flexible maturities, and for obligations related with interest rates that vary with a defined or stated ~~indicator, index, other mechanisms or combinations~~ INDICATOR OR INDEX, OTHER MECHANISMS OR MARKET CONDITIONS FOR COMPARABLE OBLIGATIONS OR COMBINATIONS of such maturities and rates, necessitates the establishment of procedures which permit the City to utilize such a market for its obligations.*

(d) *The Board of Finance, as the entity primarily responsible for the issuance and sale of the City's certificates of indebtedness, has the expertise and experience necessary to be primarily responsible for the determination of matters set forth herein to be within its jurisdiction.*

(e) *Private, negotiated sales are the primary and most efficient means of marketing such short term obligations, and in the absence of a determination by the Board of Finance to the contrary as to a particular issue or series, sales of obligations pursuant to this Ordinance on a negotiated basis are in the best public interest and will result in the lowest cost to the City.*

(f) *The City currently needs funds to pay part or all of the costs of those certain projects or uses necessary or desirable for the welfare of the citizens of the City and more particularly described in the Bond Acts. In order to provide the City with the flexibility required by current bond market conditions, and in order to permit the construction and funding of the projects and uses described in the Bond Acts to proceed prior to the issuance of the Bonds, the City has determined to issue and sell its bond anticipation notes or refunding notes pursuant to this Ordinance in such amounts, on such terms and conditions and according to such procedures as are hereinafter provided.*

(g) *The net proceeds from the sale of the City's refunding notes authorized to be issued and sold by this Ordinance, shall be used and applied for the public purposes of (i) refinancing, restructuring, refunding, or renewing, in whole or in part, from time to time, the City's bond anticipation notes issued pursuant to this Ordinance AND/OR THE BOND ACTS and any refunding notes issued pursuant to this Ordinance AND/OR THE BOND ACTS; (ii) paying any redemption premiums and any interest accrued or to accrue to the date of redemption in connection with obligations being refinanced or refunded from the proceeds of the refunding notes; and (iii) paying the costs of issuance of any series of refunding notes authorized under this Ordinance.*

SEC. 2. *And be it further ordained, That the issuance, sale and delivery of an amount not exceeding that permitted by the Bond Anticipation Note Act, the Refunding Bond Enabling Act and the Bond Acts, but not outstanding at any one time in excess of [seventy-five million dollars (\$75,000,000)] one hundred million*

dollars (\$100,000,000), aggregate principal amount of notes or refunding notes, hereby designated, "Consolidated Bond Anticipation Notes" or "Consolidated Bond Anticipation Refunding Notes" (the "Notes") is hereby authorized, subject to the provisions of this Ordinance. The Notes may be issued in one or more series, and each such series shall be identified by a designation by year and by letter so that, for example, the first series (if issued in 1982 and if the issuance of more than one series of notes hereunder is then contemplated) shall be designated "Consolidated Bond Anticipation Notes-1982 Series A". The aggregate principal amount of Notes to be issued pursuant to this Ordinance at any one time shall be determined by the Board of Finance by resolution adopted prior to the delivery of the Notes.

SEC. 3. And be it further ordained, That Notes or a series of Notes shall be dated as of the first day of the month in which the series of Notes is delivered unless the Board of Finance shall specify a different date in its resolution hereinafter described, and the Notes shall bear interest at an annual rate or rates payable semi-annually following the date of the series of Notes, unless the Board of Finance shall specify a different period of payment, so that if the Notes of a series are dated April 1, 1982 interest on that series of Notes will be payable on October 1, 1982, and semi-annually thereafter, unless the Board of Finance specifies otherwise. The Notes shall be in the denomination of Five Thousand Dollars (\$5,000) each, unless the Board of Finance shall specify a different ~~date~~ DENOMINATION in its resolution hereinafter described, and the Notes of each series of Notes shall be numbered from one (1) consecutively upwards, unless, as to each matter, otherwise determined by the Board of Finance in its resolution hereinafter described.

SEC. 4. And be it further ordained, That prior to the delivery of any series of Notes, the Board of Finance shall adopt a resolution or resolutions which shall prescribe, subject to the Bond Anticipation Note Act, the Refunding Bond Enabling Act and the Bond Acts, as applicable, (i) the principal amount of Notes to be issued as a series at any one time, (ii) the date of issue of the series of Notes, (iii) the interest rate or rates to be borne by the series of Notes, or the method by which such interest rate or rates shall be determined, (iv) the time periods and method for payment of interest on the series of Notes, (v) the redemption provisions, if any, for the series of Notes, (vi) the maturity or maturities of the series of Notes, or method by which such maturity or maturities shall be determined, (vii) the method of competitive sale if any series of Notes is determined to be sold at competitive sale rather than the negotiated sale found herein to be in the best public interest, (viii) the denominations of any series of Notes, (ix) the form, use of registration and means of payment of the series of Notes, and (x) any additional terms necessary or appropriate to reflect any matters provided in that resolution.

The Board of Finance hereby is authorized to adopt a master resolution to establish procedures to facilitate the prompt determination and approval of one or more of the matters set forth above. Such procedures may include telephonic approval and subsequent telegraphic or written confirmation of one or more of such matters by a designated officer of the City if prescribed guidelines or parameters set forth in the master resolution, or any amendment thereto, are not exceeded.

The Board further is authorized to establish any necessary relations with a commercial bank or other appropriate institution to facilitate the payment of short-term Notes, including the use of general or stand-by letters of credit, loan agreements, revolving loans or notes, RATE INSURANCE AGREEMENTS or similar arrangements.

The Board also may take such further or additional actions as are needed to permit the issuance of Notes in the nature of commercial paper as authorized by the Bond Anticipation Note Act.

The period during which interest may be capitalized for any series of Notes shall not exceed a period of twelve (12 months), unless a longer period is allowed by law at the time of issuance of the series of Notes.

Any resolution or resolutions adopted by the Board of Finance pursuant to this Ordinance shall be deemed to be of an administrative nature.

SEC. 5. And be it further ordained, That the City hereby covenants that (i) it will pay the interest on and principal of the Notes, to the extent not paid from proceeds of the Notes, from the proceeds of the Bonds AND ANY OTHER AVAILABLE FUNDS, and (ii) it will issue the Bonds when, and as soon as, the reason for deferring their issuance no longer exists; but in any event, in sufficient time to permit the payment of the Notes ~~at maturity or extended maturity~~ WHEN DUE (WHETHER AT MATURITY OR BY ACCELERATION OR OTHERWISE).

SEC. 6. And be it further ordained, That the City and the purchasers of the Notes recognize the possibility, but do not anticipate, that the City may be unable to issue the Bonds in sufficient time to provide for payment of the interest on and the principal of the Notes ~~at or prior to their maturity or extended maturity~~ WHEN DUE (WHETHER AT MATURITY OR BY ACCELERATION OR OTHERWISE). The City hereby covenants that in such event the City will levy ad valorem taxes upon each one hundred dollars (\$100.00) of property within the corporate limits of the City of Baltimore subject to assessment for full City taxes, at a rate sufficient to provide for the payment, when due, (WHETHER AT MATURITY OR BY ACCELERATION OR OTHERWISE) of the principal of and interest on all Notes.

To assure the performance by the City of the provisions of this Section, the full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment ~~at maturity~~ WHEN DUE (WHETHER AT MATURITY OR BY ACCELERATION) of the principal of and interest on the Notes hereby authorized and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to ~~meet the debt service requirements of~~ FOR THE PAYMENT WHEN DUE (WHETHER AT MATURITY OR BY ACCELERATION OR OTHERWISE) OF THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON the Notes hereby authorized to be issued; this pledge is made hereby for the benefit of the holders, from time to time, of the Notes hereby authorized.

The City hereby solemnly covenants and agrees with each holder of any of the Notes hereby authorized to levy and collect the taxes hereinabove described and to

take any other action that may be appropriate from time to time during the period that any of such Notes remain outstanding and unpaid to provide the funds necessary to make principal and interest payments thereon, when due (WHETHER AT MATURITY OR BY ACCELERATION OR OTHERWISE).

SEC. 7. And be it further ordained, That all Notes shall be executed in the name of the Mayor and City Council of Baltimore and on its behalf by the manual or facsimile signature of the Mayor of the City and the Director of Finance of the City and the corporate seal of the City shall be imprinted thereon, attested by the Custodian or the Alternate Custodian of the Seal of the City, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Notes shall be manually subscribed.

If any official whose signature shall appear on any series of the Notes shall cease to be such official prior to the delivery of any series of Notes, or, in the event any such official whose signature shall appear on any series of Notes shall have become such after the date of issue thereof, the Notes of such series shall nevertheless be valid and legally binding obligations of the City in accordance with their terms.

The Notes shall be fully registered as to both principal and interest in the name or names of the owner or owners thereof in such a manner as shall be determined by the Board of Finance. The principal of the Notes shall be payable as determined in the form of the Notes approved by a Resolution of the Board of Finance. The interest on the Notes shall be payable by the City in such a manner as determined by the Board of Finance.

All Notes shall be in a form approved by the Board of Finance.

SEC. 8. And be it further ordained, That, pursuant to the authority of the Bond Anticipation Note Act and the Refunding Bond Enabling Act, it is hereby determined that considering the nature and the maturity of the Notes, present bond market conditions, the identity of prospective purchasers indicating an interest in purchasing the Notes and other relevant considerations arising from current economic conditions, it would be in the best interests of the City to sell the entire authorized principal amount of the Notes at private (negotiated) sale; however, current bond market conditions including (without limitation) substantial, rapid variations in interest rates and the present overall record high level of interest rates indicate bond market conditions which could change rapidly so that, at some subsequent time, it might better serve the interests of the City to offer and sell the Notes, either in whole or in part, at competitive sale; taking these factors into account, the City has determined to authorize, and does hereby authorize, the Board of Finance (i) to sell a portion of the Notes at private (negotiated) sale, (ii) to sell the remaining principal amount of the Notes at private (negotiated) sale or at competitive sale, if the Board of Finance finds and determines that market conditions at the time of the sale of the Notes (including without limitation, the availability of interested prospective purchasers to negotiate for a purchase of the Notes) to sell such balance at competitive sale, or (iii) to sell the entire amount of the Notes at competitive sale, if the Board of Finance finds and determines that such bond market conditions existing at the time of sale then indicate that a competitive sale would be in the best interests of the City. The Board of Finance shall,

by resolution, award the sale of any series of Notes to the purchaser or purchasers thereof. In connection with such award, the City is authorized to enter into a purchase contract, loan agreement or other document evidencing the agreement of the City and the purchaser or purchasers of the Notes which document (i) may contain such covenants and assurances deemed necessary or appropriate in connection with such award and (ii) shall be approved by the Board of Finance in the resolution awarding the sale of the Notes.

The Notes of each series shall be suitably prepared and duly executed and delivered to the purchaser or purchasers at the expense of the City, from time to time, as determined by resolution of the Board of Finance, upon payment of the face amount of the series of Notes plus accrued interest from the date of the series of Notes to the date of delivery. Such payment shall be made in Baltimore Clearinghouse funds by certified check upon, or bank cashier's, treasurer's or official check of, a responsible banking institution THEREFOR UPON SUCH TERMS AS THE BOARD OF FINANCE MAY DETERMINE.

The resolution of the Board of Finance may provide that any or all of the Notes may be renewed at maturity without resale.

SEC. 9. And be it further ordained, That, authority hereby is conferred on the Board of Finance, to take the following actions and to make the following commitments on behalf of the City:

(a) to deliver such agreements as are needed to implement the financing authorized herein, in the form determined by resolution of the Board of Finance;

(b) to prepare and distribute disclosure memoranda and related material needed to implement the financing authorized herein;

(c) to evaluate and determine periodically the time for issuance of the Bonds, including the establishment of dates by which such bonds are expected to be issued, or date before which such bonds are not expected to be issued; and

(d) to do any and all things, proper or expedient in connection with the issuance and sale of the Notes.

SEC. 10. And be it further ordained, That, the Board of Finance may by resolution approve the renewal, restructuring, extension or modification of the terms of the Notes, without the formal issuance of refunding notes, and with the benefit of the terms of this Ordinance, provided such action is otherwise consistent with the terms of this Ordinance. In connection with the issuance of the Notes, the City may find it necessary or appropriate to purchase the Notes and hold them for resale rather than to have such purchase serve as redemption of the Notes. The Board of Finance may provide for such purchase, include any appropriate provision in the form of Note to that effect, and provide that purchase of the Notes by the City shall not be deemed a redemption unless otherwise indicated by the City by cancellation of the Note or otherwise.

SEC. 11. And be it further ordained, That the Board of Finance may, prior to the implementation of any financing program described herein, select and retain legal counsel to assist in the establishment of the program and to perform such services as are necessary or desirable in connection therewith.

SEC. 12. And be it further ordained, That, the provisions of this Ordinance are severable, and if any provisions, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or its application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provisions, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part thereof is inapplicable had been specifically exempted herefrom.

SEC. 13. And be it further ordained, That, this Ordinance shall take effect from the date of its passage."

SEC. 2. And be it further ordained, That, the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or its application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person of circumstances to which this Ordinance or any part thereof is inapplicable had been specifically exempted herefrom.

SEC. 3. And be it further ordained, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 406

(Council No. 730)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DRIVE-IN RESTAURANT WITH A DRIVE THROUGH WINDOW
6219-23 BELAIR ROAD

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the properties known as 6219-23 Belair Road, as outlined in red on the AMENDED plats accompanying this ordinance.

BY authority of
 Article 30 - Zoning
 Sections 6.3-1d and 11.0-6d
 Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the properties known as 6219-23 Belair Road, as outlined in red on the AMENDED plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect the 30th day after the date of its enactment.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 407

(Council No. 710)

AN ORDINANCE concerning

**CITY STREET-OPENING A 20 FOOT ALLEY EXTENDING FROM
 ROCKROSE AVENUE NORTHWESTERLY TO THE END THEREOF AND
 LYING WITHIN THE COLDSRING URBAN RENEWAL PROJECT.**

FOR the purpose of condemning and opening a 20 foot alley extending from Rockrose Avenue, Northwesterly 133.4 feet, more or less, to the end thereof ~~and lying within the area of the Coldspring Urban Renewal Project~~ in accordance with a plat thereof numbered 323-A-6D, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Eighteenth (18th) day of May, 1983.

BY authority of
 Article I-General Provisions
 Section - 4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* the Department of Public Works be, and they are hereby authorized and directed to condemn and open a 20 foot alley extending from Rockrose Avenue, Northwesterly 133.4 feet, more or less, to the end thereof ~~and lying within the area of the Goldspring Urban Renewal Project~~ the alley hereby directed to be condemned for said opening being described as follows:

Beginning for the same at the point formed by the intersection of the northwest side of Rockrose Avenue, 50 feet wide, and the northeast side of a 20 foot alley, said point of beginning being distant 125 feet southwesterly measured along the northwest side of said Rockrose Avenue from the southwest side of Malden Avenue, 50 feet wide and running thence binding on the northwest side of said Rockrose Avenue, South 70°-03'-20" West 20 feet, more or less, to intersect the southwest side of said 20 foot alley; thence binding on the southwest side of said 20 foot alley, Northwesterly 133.3 feet, more or less, to the northwesternmost extremity of said 20 foot alley; thence binding on the northwesternmost extremity of said 20 foot alley, Northeasterly 20 feet, more or less, to the northeast side of said 20 foot alley and thence binding on the northeast side of said 20 foot alley, Southeasterly 133.5 feet, more or less, to the place of beginning.

the said 20 foot alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 323-A-6D which was filed in the Office of the Department of Public Works on the Eighteenth (18th) day of May, in the year 1983, and is now on file in said Office.

SEC. 2. *And be it further ordained, That* the proceedings of said Department of Public Works with reference to the condemnation and opening of said 20 foot alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained, That* this Ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 408

(Council No. 711)

AN ORDINANCE concerning

**CITY STREET-CLOSING A 20 FOOT ALLEY EXTENDING FROM
ROCKROSE AVENUE NORTHWESTERLY TO THE END THEREOF AND
LYING WITHIN THE GOLDSRING URBAN RENEWAL PROJECT.**

FOR the purpose of condemning and closing a 20 foot alley extending from Rockrose Avenue, Northwesterly 133.4 feet, more or less, to the end thereof ~~and lying within the area of the Goldspring Urban Renewal Project~~ in accordance with a plat thereof numbered 323-A-6E, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Eighteenth (18th) day of May, 1983.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That the Department of Public Works be, and they are hereby authorized and directed to condemn and close a 20 foot alley extending from Rockrose Avenue, Northwesterly 133.4 feet, more or less, to the end thereof ~~and lying within the area of the Goldspring Urban Renewal Project~~ the alley hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the northwest side of Rockrose Avenue, 50 feet wide, and the northeast side of a 20 foot alley, said point of beginning being distant 125 feet southwesterly measured along the northwest side of said Rockrose Avenue from the southwest side of Malden Avenue, 50 feet wide and running thence binding on the northwest side of said Rockrose Avenue, South 70°-03'-20" West 20 feet, more or less, to intersect the southwest side of said 20 foot alley; thence binding on the southwest side of said 20 foot alley, Northwesterly 133.3 feet, more or less, to the northwesternmost extremity of said 20 foot alley; thence binding on the northwesternmost extremity of said 20 foot alley, northeasterly 20 feet, more or less, to the northeast side of said 20 foot alley and thence binding on the northeast side of said 20 foot alley, Southeasterly 133.5 feet, more or less, to the place of beginning.

the said 20 foot alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 323-A-6E which was filed in the Office of the Department of Public Works on the Eighteenth (18th) day of May, in the year 1983, and is now on file in said Office.

SEC. 2. *And be it further ordained,* That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained,* That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained,* That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained,* That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation, and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained,* That the proceedings of said Department of Public Works with reference to the condemnation and closing of said 20 foot alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 409

(Council No. 726)

AN ORDINANCE concerning

IMPOUNDING AREA –
FREDERICK STREET

FOR the purpose of adding the east side of Frederick Street, from Water Street to Baltimore Street, to the list of impounding areas.

BY adding

Article 31 – Transit and Traffic

Section 106(6a)

Baltimore City Code (1983 Replacement Volume)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 – TRANSIT AND TRAFFIC

Impounding Areas

106. F Streets

(6a) Frederick Street, east side, from Water Street to Baltimore Street.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 410

(Council No. 762)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING ORDINANCE
MCHENRY STREET

FOR the purpose of repealing Ordinance No. 596, 1977 which provided for reserved parking on the south side of McHenry Street.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Ordinance No. 596, approved December 16, 1977, is hereby repealed and the reserved parking on the south side of McHenry Street near Harmison Street therein provided, is hereby rescinded.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 411

(Council No. 763)

AN ORDINANCE concerning

IMPOUNDING AREA - BROADWAY

FOR the purpose of designating the east side of Broadway, from Thames Street to a point south of Thames Street, as an impounding area.

BY adding

Article 31 - Transit and Traffic

Section 102(6)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*. That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 - TRANSIT AND TRAFFIC

Impounding Areas

102. B. Streets.

(6) *Broadway, east side, from Thames Street to a point 225' south of Thames Street.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the 30th day after the date of its enactment.*

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 412

(Council No. 784)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT

FOR the purpose of providing a supplementary special fund appropriation in the amount of Two Million Seven Hundred Thirty Three Thousand Seven Hundred Dollars (\$2,733,700) to the Department of Housing and Community Development to complete certain capital improvement projects included in the Federal Community Development Block Grant Program for Baltimore City (Year X).

BY authority of
Article VI—Board of Estimates
Section 2(h)(2)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated represents a grant from a public source (additional program income) to the Community Development Block Grant Program for Year X which could not be expected with reasonable certainty at the time of the formulation of the 1985 Ordinance of Estimates; and

WHEREAS, the additional sum herein appropriated is to be spent to complete capital improvements on projects previously approved; and

WHEREAS, this supplementary special fund appropriation has been recommended to the City Council by the Board of Estimates at a regular meeting of the Board held on the 8th day of May, 1985, all in accordance with Article VI, Section 2(h)(2) of the Baltimore City Charter (1964 Revision as amended); now therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That under the provisions of Article VI, Section 2(h)(2) of the 1964 revision of the Charter of Baltimore City, the sum of Two Million Seven Hundred Thirty Three Thousand Seven Hundred Dollars (\$2,733,700) shall be made available to the Department of Housing and Community Development of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30,*

1985 for the purpose of completing capital improvements included in the Federal Community Development Block Grant Program for Baltimore City (Year X), provided that said sum shall be added to the following approved projects in the following amounts:

Emergency Demolition	\$ 367,300
Fells Point	60,700
Franklin Square	61,000
Middle East	96,700
Poppleton	482,700
Relocation and Property Management	1,248,300
Washington Hill—Chapel	150,000
Washington Village	177,000
Economic Development (HCD)	90,000

The amount hereby made available as a supplementary special fund appropriation shall be expended from the described federal grant money (program income); said sum being specifically allotted to the Mayor and City Council for this purpose; and these funds shall be the source of revenue for this supplementary special fund appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 413

(Council No. 822)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND OPERATING APPROPRIATION— MAYORALTY—CONVENTION COMPLEX

FOR the purpose of providing a supplementary general fund operating appropriation in the amount of One Hundred Forty-two Thousand Five Hundred Dollars (\$142,500) to the Convention Complex to be used for minor improvements in certain areas in the Civic Center.

BY authority of

Article VI—Board of Estimates

Section 2(h)(1)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue derived from rentals at the Convention Complex in excess of the revenue estimated and relied

upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for appropriation to the Convention Complex in the current fiscal year, as provided in Article VI, Section 2(h)(1) of the 1964 revised Charter of Baltimore City, as amended; and

WHEREAS, the supplementary general fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 22nd day of May, 1985, all in accordance with Article VI, Section 2(h)(1) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* under the provisions of Article VI, Section 2(h)(1) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Hundred Forty-two Thousand Five Hundred Dollars (\$142,500) shall be made available to the Convention Complex of the City of Baltimore as a supplementary general fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of minor improvements of certain areas in the Civic Center. The amount thus made available as a supplementary general fund operating appropriation shall be expended from revenue derived from rentals at the Convention Complex in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said rentals shall be the source of revenue for this supplementary general fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained, That* this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 414

(Council No. 823)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND OPERATING APPROPRIATION -
MAYORALTY-CONVENTION COMPLEX

FOR the purpose of providing a supplementary general fund operating appropriation in the amount of ~~One Hundred Forty-two Thousand Five Hundred Dollars (\$142,500)~~ TWO HUNDRED FIFTY-FOUR THOUSAND FOUR HUNDRED DOLLARS (\$254,400) to the Convention Complex to be used for ~~minor improvements in certain areas in the Civic Center.~~ OTHER ADDITIONAL OPERATING EXPENSES IN THE CONVENTION CENTER.

BY authority of

Article VI-Board of Estimates

Section 2(h)(1)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue derived from rentals at the Convention Complex in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the current fiscal year, and said money is therefore available for appropriation to the Convention Complex in the current fiscal year, as provided in Article VI, Section 2(h)(1) of the 1964 revised Charter of Baltimore City, as amended; and

WHEREAS, the supplementary general fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 22nd day of May, 1985, all in accordance with Article VI, Section 2(h)(1) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That under the provisions of Article VI, Section 2(h)(1) of the 1964 revision of the Charter of Baltimore City as amended, the sum of ~~One Hundred Forty-two Thousand Five Hundred Dollars (\$142,500)~~ TWO HUNDRED FIFTY-FOUR THOUSAND FOUR HUNDRED DOLLARS (\$254,400) shall be made available to the Convention Complex of the City of Baltimore as a supplementary general fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of ~~minor improvements of certain areas in the Civic Center.~~ OTHER ADDITIONAL OPERATING EXPENSES IN THE CONVENTION CENTER. The amount thus made available as a supplementary general fund operating appropriation shall be expended from revenue derived from rentals at the Convention Complex in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said rentals shall be the source of revenue for this supplementary general fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 415

(Council No. 824)

AN ORDINANCE concerning

**SUPPLEMENTARY GENERAL FUND CAPITAL APPROPRIATION—
DEPARTMENT OF PUBLIC WORKS—GENERAL SERVICES**

FOR the purpose of providing a supplementary general fund capital appropriation in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000) to the Department of Public Works—General Services to be used for an asbestos abatement project in Walbrook High School #411.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Public Works—General Services pursuant to the provisions of Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund capital appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 22nd day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Million Five Hundred Thousand Dollars (\$1,500,000) shall be made available to the Department of Public Works—General Services of the City of Baltimore as a supplementary general fund capital appropriation for the fiscal year ending June 30, 1985, for

the purpose of an asbestos abatement project in Walbrook High School #411. The amount thus made available as a supplementary general fund capital appropriation shall be expended from revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985; and said funds from said Property Transfer Tax shall be the source of revenue for this supplementary general fund capital appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 416

(Council No. 825)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND CAPITAL APPROPRIATION -
DEPARTMENT OF PUBLIC WORKS-GENERAL SERVICES

FOR the purpose of providing a supplementary general fund capital appropriation in the amount of Fifty-one Thousand Dollars (\$51,000) to the Department of Public Works-General Services to be used for an asbestos abatement project in Greenspring Middle School #82.

BY authority of

Article VI-Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Public Works-General Services pursuant to the provisions of Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund capital appropriation ordained herein has been recommended to the City Council by the Board of Estimates,

said recommendation having been made at a regular meeting of said Board held on the 22nd day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Fifty-one Thousand Dollars (\$51,000) shall be made available to the Department of Public Works—General Services of the City of Baltimore as a supplementary general fund capital appropriation for the fiscal year ending June 30, 1985, for the purpose of an asbestos abatement project in Greenspring Middle School #82. The amount thus made available as a supplementary general fund capital appropriation shall be expended from revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985; and said funds from said Property Transfer Tax shall be the source of revenue for this supplementary general fund capital appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 417

(Council No. 826)

AN ORDINANCE concerning

**SUPPLEMENTARY GENERAL FUND CAPITAL APPROPRIATION—
DEPARTMENT OF PUBLIC WORKS—GENERAL SERVICES**

FOR the purpose of providing a supplementary general fund capital appropriation in the amount of Ten Thousand Dollars (\$10,000) to the Department of Public Works—General Services to be used for an asbestos abatement project in Eutaw-Mashburn Elementary School #11.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available

for appropriation to the Department of Public Works—General Services pursuant to the provisions of Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the additional sum appropriated herein is for a new program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund capital appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 22nd day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Ten Thousand Dollars (\$10,000) shall be made available to the Department of Public Works—General Services of the City of Baltimore as a supplementary general fund capital appropriation for the fiscal year ending June 30, 1985, for the purpose of an asbestos abatement project in Eutaw-Mashburn Elementary School #11. The amount thus made available as a supplementary general fund capital appropriation shall be expended from revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985; and said funds from said Property Transfer Tax shall be the source of revenue for this supplementary general fund capital appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 418

(Council No. 827)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND CAPITAL APPROPRIATION—
DEPARTMENT OF PUBLIC WORKS—GENERAL SERVICES

FOR the purpose of providing a supplementary general fund capital appropriation in the amount of Two Hundred Twenty-five Thousand Dollars (\$225,000) to the Department of Public Works—General Services to be used for asbestos abatement project in North Western High School #401.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Public Works—General Services pursuant to the provisions of Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund capital appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 22nd day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Two Hundred Twenty-five Thousand Dollars (\$225,000) shall be made available to the Department of Public Works—General Services of the City of Baltimore as a supplementary general fund capital appropriation for the fiscal year ending June 30, 1985, for the purpose of asbestos abatement project in North Western High School #401. The amount thus made available as a supplementary general fund capital appropriation shall be expended from revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985; and said funds from said Property Transfer Tax shall be the source of revenue for this supplementary general fund capital appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).*

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 419

(Council No. 828)

AN ORDINANCE concerning

**SUPPLEMENTARY GENERAL FUND CAPITAL APPROPRIATION—
DEPARTMENT OF PUBLIC WORKS—GENERAL SERVICES**

FOR the purpose of providing a supplementary general fund capital appropriation in the amount of Three Hundred Thousand Dollars (\$300,000) to the Department of Public Works—General Services to be used for asbestos removal and reinsulation for the Clarence Mitchell, Jr. Court House.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Public Works—General Services pursuant to the provisions of Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the sum appropriated herein is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1985 fiscal year, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund capital appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 22nd day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Three Hundred Thousand Dollars (\$300,000) shall be made available to the Department of Public Works—General Services of the City of Baltimore as a supplementary general fund capital appropriation for the fiscal year ending June 30, 1985, for the pur-

pose of asbestos removal and reinsulation for the Clarence Mitchell, Jr. Court House. The amount thus made available as a supplementary general fund capital appropriation shall be expended from revenue produced by the Property Transfer Tax imposed by Baltimore City in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985; and said funds from said Property Transfer Tax shall be the source of revenue for this supplementary general fund capital appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 420

(Council No. 843)

AN ORDINANCE concerning

**GENERAL FUND OPERATING APPROPRIATION TRANSFER—
OFFICE OF OCCUPATIONAL MEDICINE AND SAFETY TO
BOARD OF ESTIMATES (HEALTH & WELFARE GRANTS)**

FOR the purpose of transferring a general fund operating appropriation in the amount of One Hundred Thousand Dollars (\$100,000) from the Office of Occupational Medicine and Safety to the Board of Estimates (Health and Welfare Grants) to be used by the Board of Estimates (Health and Welfare Grants) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$100,000 was appropriated from general funds for the Office of Occupational Medicine and Safety operating programs in the fiscal 1985 Ordinance of Estimates, and said \$100,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommen-

dation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of One Hundred Thousand Dollars (\$100,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Office of Occupational Medicine and Safety shall be transferred to the Board of Estimates (Health and Welfare Grants) of Baltimore City. The amount thus made available to the Board of Estimates (Health and Welfare Grants) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 421

(Council No. 844)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
JAIL TO BOARD OF ESTIMATES (HEALTH AND WELFARE GRANTS)

FOR the purpose of transferring a general fund operating appropriation in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) from the Jail to the Board of Estimates (Health and Welfare Grants) to be used by the Board of Estimates (Health and Welfare Grants) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$250,000 was appropriated from general funds for the Jail operating programs in the fiscal 1985 Ordinance of Estimates, and said

\$250,000 is not needed for the purpose for which appropriated and is therefore available for the use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Two Hundred Fifty Thousand Dollars (\$250,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Jail shall be transferred to the Board of Estimates (Health and Welfare Grants) of Baltimore City. The amount thus made available to the Board of Estimates (Health and Welfare Grants) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 422

(Council No. 845)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
LAW DEPARTMENT TO BOARD OF ESTIMATES
(HEALTH & WELFARE GRANTS)

FOR the purpose of transferring a general fund operating appropriation in the amount of Forty Thousand Dollars (\$40,000) from the Law Department to the Board of Estimates (Health and Welfare Grants) to be used by the Board of Estimates (Health and Welfare Grants) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of

Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$40,000 was appropriated from general funds for the Law Department operating programs in the fiscal 1985 Ordinance of Estimates, and said \$40,000 is not needed for the purpose for which appropriated and is therefore available for the use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Forty Thousand Dollars (\$40,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Law Department shall be transferred to the Board of Estimates (Health and Welfare Grants) of Baltimore City. The amount thus made available to the Board of Estimates (Health and Welfare Grants) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 423

(Council No. 846)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
MUNICIPAL MARKETS ADMINISTRATION TO BOARD OF ESTIMATES
(HEALTH & WELFARE GRANTS)

FOR the purpose of transferring a general fund operating appropriation in the amount of Fifty Thousand Dollars (\$50,000) from the Municipal Markets Administration to the Board of Estimates (Health and Welfare Grants) to be used by the Board of Estimates (Health and Welfare Grants) for additional operating expenses made necessary by a material change in circumstances.

BY authority of
Article VI – Board of Estimates
Section 2(i)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$50,000 was appropriated from general funds for the Municipal Markets Administration operating programs in the fiscal 1985 Ordinance of Estimates, and said \$50,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Fifty Thousand Dollars (\$50,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Municipal Markets Administration shall be transferred to the Board of Estimates (Health and Welfare Grants) of Baltimore City. The amount thus made available to the Board of Estimates (Health and Welfare Grants) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 424

(Council No. 847)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
CIRCUIT COURT FOR BALTIMORE CITY TO BOARD OF ESTIMATES
(HEALTH & WELFARE GRANTS)

FOR the purpose of transferring a general fund operating appropriation in the amount of Thirty Thousand Dollars (\$30,000) from the Circuit Court for Baltimore City to the Board of Estimates (Health and Welfare Grants) to be used by the Board of Estimates (Health and Welfare Grants) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$30,000 was appropriated from general funds for the Circuit Court for Baltimore City operating programs in the fiscal 1985 Ordinance of Estimates, and said \$30,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Thirty Thousand Dollars (\$30,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Circuit Court for Baltimore City shall be transferred to the Board of Estimates (Health and Welfare Grants) of Baltimore City. The amount thus made available to the Board of Estimates (Health and Welfare Grants) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 425

(Council No. 848)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
DEPARTMENT OF FINANCE TO BOARD OF ESTIMATES
(HEALTH AND WELFARE GRANTS)

FOR the purpose of transferring a general fund operating appropriation in the amount of One Hundred Thirty-seven Thousand Nine Hundred Dollars (\$137,900) from the Department of Finance to the Board of Estimates (Health and Welfare Grants) to be used by the Board of Estimates (Health and Welfare Grants) for additional operating expenses made necessary by a material change in circumstances.

BY authority of
Article VI - Board of Estimates
Section 2(i)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$137,900 was appropriated from general funds for the Department of Finance operating programs in the fiscal 1985 Ordinance of Estimates, and said \$137,900 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of One Hundred Thirty-seven Thousand Nine Hundred Dollars (\$137,900) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Department of Finance shall be transferred to the Board of Estimates (Health and Welfare Grants) of Baltimore City. The amount thus made available to the Board of Estimates (Health and Welfare Grants) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.*

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 426

(Council No. 849)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
HEALTH DEPARTMENT TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Three Hundred Thousand Dollars (\$300,000) from the Health Department to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$300,000 was appropriated from general funds for the Health Department operating programs in the fiscal 1985 Ordinance of Estimates, and said \$300,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Three Hundred Thousand Dollars (\$300,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund

operating appropriation for the Health Department shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 427

(Council No. 850)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
DEPARTMENT OF COMPTROLLER TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Twenty-five Thousand Dollars (\$25,000) from the Department of Comptroller to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$25,000 was appropriated from general funds for the Department of Comptroller operating programs in the fiscal 1985 Ordinance of Estimates, and said \$25,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th

day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Twenty-five Thousand Dollars (\$25,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Department of the Comptroller shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 428

(Council No. 851)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
CONVENTION COMPLEX TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Twenty-five Thousand Dollars (\$25,000) from the Convention Complex to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$25,000 was appropriated from general funds for the Convention Complex operating programs in the fiscal 1985 Ordinance of

Estimates, and said \$25,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Twenty-five Thousand Dollars (\$25,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Convention Complex shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 429

(Council No. 857)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND OPERATING
APPROPRIATION - DEPARTMENT OF EDUCATION

FOR the purpose of providing a supplementary general fund operating appropriation in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) to the Department of Education to be used for additional operating expenses in Program 401 (Instruction).

BY authority of
Article VI - Board of Estimates
Section 2(h)(3)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Property Transfer Tax and the Recordation Tax imposed by Baltimore City, in excess of the amounts from these sources estimated and relied upon by the Board

of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Education pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Two Million Five Hundred Thousand Dollars (\$2,500,000) shall be made available to the Department of Education of the City of Baltimore as a supplementary general fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expenses in Program 401 (Instruction). The amount thus made available as a supplementary general fund operating appropriation shall be expended from revenue derived from the Property Transfer Tax (\$1,000,000) and the Recordation Tax (\$1,500,000) imposed by Baltimore City, in excess of the amounts from these sources which were estimated and relied upon the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Property Transfer Tax and Recordation Tax shall be the sources of revenue for this supplementary general fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 430

(Council No. 858)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND OPERATING
APPROPRIATION—DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary general fund operating appropriation in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000) to the Department of Public Works to be used for additional operating expenses in Program 516 (Solid Waste Disposal).

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Utility Tax-Telephone, Penalties and Interest, and Principal on Commercial Rehabilitation, all in excess of the amounts from these sources estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Million Five Hundred Thousand Dollars (\$1,500,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary general fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expenses in Program 516 (Solid Waste Disposal). The amount thus made available as a supplementary general fund operating appropriation shall be expended from revenue derived from the Utility Tax-Telephone (\$300,000), Penalties and Interest (\$700,000), and Principal on Commercial Rehabilitation (\$500,000), all in excess of the amounts from these sources which were estimated and relied upon by the Board of Estimates in determining the tax

levy required to balance the budget for the 1985 fiscal year; and said funds from said Utility Tax-Telephone, Penalties and Interest, and Principal on Commercial Rehabilitation shall be the sources of revenue for this supplementary general fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 431

(Council No. 859)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND OPERATING
APPROPRIATION—DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary general fund operating appropriation in the amount of Six Hundred Fifty Thousand Dollars (\$650,000) to the Department of Public Works to be used for additional operating expenses in Program 193 (Public Building Management).

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Hotel Tax, Tax Sale Fees, and Unclaimed Property Proceeds, all in excess of the amounts from these sources estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Six Hundred Fifty Thousand Dollars (\$650,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary general fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expenses in Program 193 (Public Building Management). The amount thus made available as a supplementary general fund operating appropriation shall be expended from revenue derived from the Hotel Tax (\$350,000), Tax Sale Fees (\$250,000), and Unclaimed Property Proceeds (\$50,000), all in excess of the amounts from these sources which were estimated and relied upon the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Hotel Tax, Tax Sale Fees, and Unclaimed Property Proceeds shall be the sources of revenue for this supplementary general fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 432

(Council No. 860)

AN ORDINANCE concerning

**SUPPLEMENTARY GENERAL FUND OPERATING
APPROPRIATION - DEPARTMENT OF PUBLIC WORKS**

FOR the purpose of providing a supplementary general fund operating appropriation in the amount of One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000) to the Department of Public Works to be used for additional operating expenses in Program 196 (Special Services).

BY authority of
Article VI - Board of Estimates
Section 2(h)(3)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Lotto Game, Earnings on Investments, Utility Tax-Electricity, and Rental of City Property, all in excess of the amounts from these sources estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of

Article VI, Section 2(h)(3) of the Baltimore City Charter, (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary general fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expenses in Program 196 (Special Services). The amount thus made available as a supplementary general fund operating appropriation shall be expended from revenue derived from the Lotto Game (\$440,000), Earnings of Investments (\$900,000), Utility Tax-Electricity (\$550,000), and Rental of City Property (\$60,000), all in excess of the amounts from these sources which were estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Lotto Game, Earnings on Investments, Utility Tax-Electricity, and Rental of City Property shall be the sources of revenue for this supplementary general fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 433

(Council No. 861)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND OPERATING
APPROPRIATION—DEPARTMENT OF PUBLIC WORKS

FOR the purpose of providing a supplementary general fund operating appropriation in the amount of Four Hundred Thousand Dollars (\$400,000) to the Department of Public Works to be used for additional operating expenses in Program 515 (Solid Waste Collection).

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Private Refuse Disposal Fees in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Public Works pursuant to the provisions of Article VI, Section 2(h)(3) of the 1964 revised Charter of Baltimore City, as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Four Hundred Thousand Dollars (\$400,000) shall be made available to the Department of Public Works of the City of Baltimore as a supplementary general fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expenses in Program 515 (Solid Waste Collection). The amount thus made available as a supplementary general fund operating appropriation shall be expended from revenue produced by Private Refuse Disposal Fees in excess of the amount from this source which were estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Private Refuse Disposal Fees shall be the source of revenue for this supplementary general fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 434

(Council No. 863)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND CAPITAL APPROPRIATION –
DEPARTMENT OF RECREATION AND PARKS

FOR the purpose of providing a supplementary general fund capital appropriation in the amount of Two Hundred Thousand Dollars (\$200,000) to the Department of Recreation and Parks to be used for the animal exhibit at the Baltimore City Zoo.

BY authority of

Article VI – Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Memorial Stadium and Rental of City Property in excess of the amounts from these sources estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and said money is therefore available for appropriation to the Department of Recreation and Parks pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a new program which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the fiscal year ending June 30, 1985, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund capital appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Two Hundred Thousand Dollars (\$200,000) shall be made available to the Department of Recreation and Parks of the City of Baltimore as a supplementary general fund capital appro-

priation for the fiscal year ending June 30, 1985, for the purpose of the animal exhibit at the Baltimore City Zoo. The amount thus made available as a supplementary general fund capital appropriation shall be expended from revenue derived from the Memorial Stadium (\$140,000) and Rental of City Property (\$60,000), in excess of the amounts from these sources which were estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Memorial Stadium and Rental of City Property shall be the sources of revenue for this supplementary general fund capital appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 435

(Council No. 879)

AN ORDINANCE concerning

SUPPLEMENTARY GENERAL FUND CAPITAL APPROPRIATION—
DEPARTMENT OF RECREATION AND PARKS

FOR the purpose of providing a supplementary general fund capital appropriation in the amount of Three Hundred Thousand Dollars (\$300,000) to the Department of Recreation and Parks to be used for improvements at the Memorial Stadium.

BY authority of
Article VI—Board of Estimates
Section 2(h)(1)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Memorial Stadium in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Recreation and Parks pursuant to the provisions of Article VI, Section 2(h)(1) of said Charter; and

WHEREAS, the supplementary general fund capital appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(1) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(1) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Three Hundred Thousand Dollars (\$300,000) shall be made available to the Department of Recreation and Parks of the City of Baltimore as a supplementary general fund capital appropriation for the fiscal year ending June 30, 1985, for the purpose of improvements at the Memorial Stadium. The amount thus made available as a supplementary general fund capital appropriation shall be expended from revenue produced by the Memorial Stadium in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985; and said funds from said Memorial Stadium shall be the source of revenue for this supplementary general fund capital appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 436

(Council No. 881)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
CIRCUIT COURT FOR BALTIMORE CITY TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Four Thousand Dollars (\$4,000) from the Circuit Court for Baltimore City to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$4,000 was appropriated from general funds for the Circuit Court for Baltimore City operating programs in the fiscal 1985 Ordinance of Estimates, and said \$4,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with the Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Four Thousand Dollars (\$4,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Circuit Court for Baltimore City shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 437

(Council No. 882)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
CIVIL SERVICE COMMISSION TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Thirty Thousand Dollars (\$30,000) from the Civil Service Commission to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of
Article VI—Board of Estimates
Section 2(i)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$30,000 was appropriated from general funds for the Civil Service Commission operating programs in the fiscal 1985 Ordinance of Estimates, and said \$30,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with the Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Thirty Thousand Dollars (\$30,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Civil Service Commission shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 438

(Council No. 883)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
DEPARTMENT OF COMPTROLLER TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Twenty-Three Thousand Dollars (\$23,000) from the Department of Comptroller to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$23,000 was appropriated from general funds for the Department of Comptroller operating programs in the fiscal 1985 Ordinance of Estimates, and said \$23,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with the Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Twenty-Three Thousand Dollars (\$23,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Department of Comptroller shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 439

(Council No. 884)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
CONVENTION COMPLEX TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Ten Thousand Dollars (\$10,000) from the Convention Complex to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$10,000 was appropriated from general funds for the Convention Complex operating programs in the fiscal 1985 Ordinance of Estimates, and said \$10,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Ten Thousand Dollars (\$10,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Convention Complex shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 440

(Council No. 885)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
DEPARTMENT OF FINANCE TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Thirty Thousand Dollars (\$30,000) from the Department of Finance to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$30,000 was appropriated from general funds for the Department of Finance operating programs in the fiscal 1985 Ordinance of Estimates, and said \$30,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Thirty Thousand Dollars (\$30,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Department of Finance shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 441

(Council No. 886)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
BALTIMORE CITY JAIL TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Forty Thousand Dollars (\$40,000) from the Baltimore City Jail to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$40,000 was appropriated from general funds for the Baltimore City Jail operating programs in the fiscal 1985 Ordinance of Estimates, and said \$40,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Forty Thousand Dollars (\$40,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Baltimore City Jail shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 442

(Council No. 887)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
LAW DEPARTMENT TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Fifteen Thousand Dollars (\$15,000) from the Law Department to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$15,000 was appropriated from general funds for the Law Department operating programs in the fiscal 1985 Ordinance of Estimates, and said \$15,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Fifteen Thousand Dollars (\$15,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Law Department shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 443

(Council No. 888)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
OFFICE OF INTERGOVERNMENTAL RESEARCH TO
BOARD OF ESTIMATES (MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Twelve Thousand Dollars (\$12,000) from the Office of Intergovernmental Research to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$12,000 was appropriated from general funds for the Office of Intergovernmental Research operating programs in the fiscal 1985 Ordinance of Estimates, and said \$12,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Twelve Thousand Dollars (\$12,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Office of Intergovernmental Research shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 444

(Council No. 889)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
COMMISSION ON AGING TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Fifteen Thousand Dollars (\$15,000) from the Commission on Aging to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of
Article VI—Board of Estimates
Section 2(i)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$15,000 was appropriated from general funds for the Commission on Aging operating programs in the fiscal 1985 Ordinance of Estimates, and said \$15,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Fifteen Thousand Dollars (\$15,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Commission on Aging shall be transferred to the Board of

Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 445

(Council No. 890)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
MUNICIPAL MARKETS ADMINISTRATION TO BOARD OF
ESTIMATES (MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Fifteen Thousand Dollars (\$15,000) from the Municipal Markets Administration to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$15,000 was appropriated from general funds for the Municipal Markets Administration operating programs in the fiscal 1985 Ordinance of Estimates, and said \$15,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Fifteen Thousand Dollars (\$15,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Municipal Markets Administration shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 446

(Council No. 891)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
OFFICE OF OCCUPATIONAL MEDICINE AND SAFETY
TO BOARD OF ESTIMATES (MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Twenty-five Thousand Dollars (\$25,000) from the Office of Occupational Medicine and Safety to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of
Article VI—Board of Estimates
Section 2(i)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$25,000 was appropriated from general funds for the Office of Occupational Medicine and Safety operating programs in the fiscal 1985 Ordinance of Estimates, and said \$25,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Twenty-five Thousand Dollars (\$25,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Office of Occupational Medicine and Safety shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 447

(Council No. 892)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
DEPARTMENT OF RECREATION AND PARKS TO BOARD
OF ESTIMATES (MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Twenty-five Thousand Dollars (\$25,000) from the Department of Recreation and Parks to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an ap-

propriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$25,000 was appropriated from general funds for the Department of Recreation and Parks operating programs in the fiscal 1985 Ordinance of Estimates, and said \$25,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Twenty-five Thousand Dollars (\$25,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Department of Recreation and Parks shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained, That* this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 448

(Council No. 893)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
DEPARTMENT OF SOCIAL SERVICES TO BOARD OF ESTIMATES
(MISCELLANEOUS GENERAL EXPENSE)

FOR the purpose of transferring a general fund operating appropriation in the amount of Fifteen Thousand Dollars (\$15,000) from the Department of Social Services to the Board of Estimates (Miscellaneous General Expense) to be used by the Board of Estimates (Miscellaneous General Expense) for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$15,000 was appropriated from general funds for the Department of Social Services operating programs in the fiscal 1985 Ordinance of Estimates, and said \$15,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 5th day of June, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Fifteen Thousand Dollars (\$15,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Department of Social Services shall be transferred to the Board of Estimates (Miscellaneous General Expense) of Baltimore City. The amount thus made available to the Board of Estimates (Miscellaneous General Expense) of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 449

(Council No. 609)

AN ORDINANCE concerning

**MAINTAINING, WASHING, AND CLEANING VEHICLES PEDESTRIANS
ON ROADWAYS HIGHWAY**

FOR the purpose of prohibiting pedestrians from PRESENTING GIFTS OR PERFORMING SERVICES; ~~maintaining, washing, or cleaning vehicles located~~ within a traffic lane OF A HIGHWAY in Baltimore City, PROVIDING THE METHOD OF ENFORCEMENT AND PROVIDING PENALTIES.

BY repealing and reordaining with amendments

Article 31 - Transit and Traffic

Subtitle - Pedestrians

SectionS 69(G) 69(h), 69(i), ~~69(j)~~

Baltimore City Code (1983 Replacement Volume, as amended)

BY ADDING

ARTICLE 31 - TRANSIT AND TRAFFIC

SUBTITLE - PEDESTRIANS

SECTION 69(J)

BALTIMORE CITY CODE (1983 REPLACEMENT VOLUME, AS AMENDED)

~~WHEREAS, In recent months enterprising youths have been stationing themselves at major intersections in the City and rushing into the highway to clean the windshields of vehicles stopped for a red light; and~~

~~WHEREAS, The windshield washers are often small children who try to clean as many windshields as possible in the short time the light is red and who do not leave the intersection until the traffic signal has turned green; and~~

~~WHEREAS, To protect the health and safety of these youngsters the Mayor and City Council enact the following ordinance; now, therefore~~

WHEREAS, THE INTERFERENCE WITH, AND INTERRUPTION TO THE FREE FLOW OF VEHICULAR AND PEDESTRIAN TRAFFIC CREATES A HAZARDOUS AND DANGEROUS CONDITION; AND

WHEREAS, THE STANDING IN A HIGHWAY BY ANY PERSON TO SOLICIT A RIDE, EMPLOYMENT, OR BUSINESS FROM THE OCCUPANT OF ANY VEHICLE IS PROHIBITED BY STATE LAW; AND

WHEREAS, THE OPERATORS OF VEHICLES ON THE HIGHWAYS OF BALTIMORE CITY SHOULD NOT BE SUBJECTED TO HAZARDOUS AND DANGEROUS TRAFFIC CONDITIONS, NOR UNDESIRED SOLICITATION; AND

WHEREAS, THE BALTIMORE POLICE DEPARTMENT HAS A COURT SANCTIONED PRE-INTAKE ADJUSTMENT PROGRAM TO DIVERT

JUVENILES FROM THE FORMAL ADJUDICATION PROCESS OF THE JUVENILE SERVICES ADMINISTRATION, AND THE RECORDS OF THIS PROGRAM ARE NON-CRIMINAL AND ARE NOT SUBJECT TO PUBLIC DISCLOSURE; AND

WHEREAS, TO PROTECT THE HEALTH AND SAFETY OF VEHICLE OPERATORS AND PEDESTRIANS; NOW, THEREFORE,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 – TRANSIT AND TRAFFIC

Pedestrians

69. Rights and Duties.

(G) SOLICITATION ON ROADWAYS HIGHWAYS. NO PERSON SHALL STAND WITHIN A ROADWAY HIGHWAY FOR THE PURPOSE OF SOLICITING A RIDE, EMPLOYMENT, OR BUSINESS FROM THE OCCUPANT OF ANY VEHICLE[.] OR FOR THE PURPOSE OF PRESENTING A GIFT TO OR PERFORMING A SERVICE, WHETHER GRATUITOUS OR FOR A FEE, FOR THE OCCUPANT OF A VEHICLE.

(h) No person, other than the vehicle's operator, or the occupant at the operator's direction, shall maintain, wash, or clean the exterior of any vehicle while said vehicle is located in any traffic lane of any public highway, street, lane, or other thoroughfare within the City of Baltimore.

{(h)† Control of traffic by officers;. Nothing in this subtitle affects or limits the right of police officers or school crossing guards to control vehicular and pedestrian traffic in cases of ~~each~~ emergency, special events, or other unusual traffic conditions.

{(i)† Exercise of due care. In addition to the foregoing provisions of this subtitle, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway HIGHWAY and shall exercise proper precautions upon observing any child or confused or incapacitated person upon a roadway HIGHWAY.

~~(B) ANY PERSON VIOLATING THE PROVISIONS OF SUBSECTION 69(G) OF THIS SUBTITLE SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE FINED A SUM NOT EXCEEDING \$50.~~

(J) ENFORCEMENT AND PENALTIES

(1)(A) A POLICE OFFICER WHO FINDS ANY PERSON UNDER 18 YEARS OF AGE VIOLATING PROVISIONS OF SUBSECTION 69(G) SHALL ORDER THE PERSON TO CEASE AND DESIST.

(B) ANY PERSON UNDER 18 YEARS OF AGE WHO FAILS TO COMPLY WITH THIS ORDER MAY BE TAKEN INTO CUSTODY AND,

SUBSEQUENT TO RECORDING INFORMATION NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBSECTION, SHALL BE PROMPTLY RELEASED TO THEIR PARENT OR GUARDIAN. THE RELEASED PERSON UNDER 18 YEARS OF AGE SHALL BE REFERRED TO THE BALTIMORE CITY POLICE DEPARTMENT'S COURT SANCTIONED PRE-INTAKE ADJUSTMENT PROGRAM.

(2)(A) NO PARENT OR GUARDIAN SHALL KNOWINGLY PERMIT ANY MINOR UNDER THE AGE OF 18 YEARS TO VIOLATE THE PROVISIONS OF SUBSECTION 69(G).

(B) ANY PARENT OR GUARDIAN WHO SHALL VIOLATE SUBSECTION 69(J)(2)(A), AFTER HAVING RECEIVED WRITTEN NOTICE OF THEIR CHILD OR WARD HAVING COMMITTED A VIOLATION OF SUBSECTION 69(G) OCCURRING WITHIN THE PRECEDING TWELVE MONTHS, MAY RECEIVE A WRITTEN CITATION AND IS SUBJECT TO A FINE OF \$50 FOR EACH OFFENSE.

(3) A POLICE OFFICER WHO FINDS ANY PERSON 18 YEARS OF AGE OR OLDER VIOLATING PROVISIONS OF SUBSECTION 69(G) SHALL ORDER THE PERSON TO CEASE AND DESIST. PERSONS FAILING TO COMPLY WITH THIS ORDER MAY BE ISSUED A CITATION CONTAINING THEIR SIGNED PROMISE TO PAY THE FINE PROVIDED OR TO APPEAR IN COURT FOR TRIAL.

(A) THE OFFICER IS NOT REQUIRED TO TAKE THE PERSON INTO PHYSICAL CUSTODY FOR THE VIOLATION UNLESS THE PERSON CHARGED DOES NOT FURNISH SATISFACTORY EVIDENCE OF IDENTITY OR THE OFFICER HAS REASONABLE GROUNDS TO BELIEVE THE PERSON CHARGED WILL DISREGARD A WRITTEN PROMISE TO APPEAR.

(B) A PERSON RECEIVING A CITATION UNDER THIS SUBTITLE SHALL PAY THE FINE PROVIDED FOR IN THE CITATION TO THE DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY, OR STAND TRIAL FOR THE VIOLATION.

(4) ANY PERSON 18 YEARS OF AGE OR OLDER VIOLATING THE PROVISIONS OF SUBSECTION 69(G) AFTER BEING ORDERED TO CEASE AND DESIST IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE FINED \$50.

(5) THIS SECTION DOES NOT PROHIBIT THE SOLICITATION BY ANY PERSON FOR LAWFUL EMPLOYMENT OR BUSINESS FROM THE OCCUPANT OF ANY VEHICLE WHICH IS PROPERLY AND LAWFULLY PARKED OR PROPERLY AND LAWFULLY STANDING OUT OF THE FREE FLOW OF TRAFFIC.

SEC. 2. AND BE IT FURTHER ORDAINED, THAT THE POLICE COMMISSIONER IS REQUESTED TO MAKE, ON OR BEFORE JULY 1, 1986, A REPORT TO THE CITY COUNCIL ON THE RESULTS OF THE PASSAGE OF THIS ORDINANCE WITH RESPECT TO LAW ENFORCEMENT,

TOGETHER WITH RECOMMENDATIONS RESPECTING ITS CONTINUANCE, REPEAL OR AMENDMENT.

SEC. 2 3. *And be further ordained*, That this ordinance shall take effect on the 30th day ~~from~~ AFTER the date of its enactment.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 449A

(Council No. 808)

AN ORDINANCE concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
(THE SOUTHERN GALVANIZING COMPANY FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$825,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by The Southern Galvanizing Company, a Maryland corporation, of a certain facility in Baltimore City consisting of the acquisition and installation in the processing factory of The Southern Galvanizing Company, located at 1620 Bush Street, in Baltimore City, Maryland, of certain equipment, including, but not limited to a galvanizing furnace, kettle, steel cleaning tanks, acid storage tanks, overhead cranes, an air compressor, and other machinery and equipment as may be necessary or useful in the business of hot dip galvanizing; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 3, 1985 from The Southern Galvanizing Company to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or time of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that The Southern Galvanizing Company shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, but in no event later than December 31, 1985, unless the Board of Finance approves

one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated May 3, 1985 (the "Letter of Intent") from The Southern Galvanizing Company, a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$825,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility by the Borrower.

The Letter of Intent expresses the Borrower's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code, imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume, and (ii) that the Bonds will be subject to the City's volume cap. In addi-

tion, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 4 hereof.

The Facility, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of the acquisition and installation in the Borrower's processing factory located at 1620 Bush Street, in Baltimore City, Maryland, of certain equipment, including, but not limited to a galvanizing furnace, kettle, steel cleaning tanks, acid storage tanks, overhead cranes, an air compressor, and other machinery and equipment as may be necessary or useful. Upon completion, the Facility will be owned by the Borrower in connection with the Borrower's hot dip galvanizing business.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore,* That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Facility will facilitate and expedite the completion of the Facility by the Borrower.

(2) The completion of the Facility by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; (d) enabling the Borrower to maintain its industrial operations in the City; and (e) creating up to seventeen new jobs.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may ap-

prove by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

(4) Based on information provided to the City by the Borrower, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Borrower within the City, and (c) the necessity for the issuance of the Bonds for competitive economic purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$825,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City intends that the enactment of this Ordinance shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Ordinance, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the adoption of a resolution by the Board, as described in Section 5(a) below, the Borrower does so at its own risk.

SEC. 4. *And be it further ordained*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Law, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Law and any

present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 4, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

- (a) approve the issuance of the Bonds;
- (b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;
- (c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;
- (d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Facility; and
- (e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 6. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully

negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 8. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 9. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 10. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

- (a) approve the issuance of such bond anticipation notes;
- (b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;
- (c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;
- (d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Facility; and
- (e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, under such terms as may be approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby fur-

ther covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 11. *And be it further ordained*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Ordinance, by such vote, and the Mayor of the City, by his approval of this Ordinance, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 12. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, but in no event later than December 31, 1985; provided, however, that the Board, after a showing of good cause at a public hearing before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefore must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 14. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 450

(Council No. 816)

AN ORDINANCE concerning

ORDINANCE OF ESTIMATES FOR THE
FISCAL YEAR ENDING JUNE 30, 1986

FOR the purpose of providing the appropriations estimated to be needed by each agency of the City of Baltimore for operating programs and capital projects during the fiscal 1986 year.

BY authority of

Article VI—Board of Estimates

Section 2

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the following amounts or so much thereof as shall be sufficient are hereby appropriated subject to the provisions hereinafter set forth for the purpose of carrying out the programs included in the operating budget and the projects listed in the capital budget from the amounts estimated to be available in the designated funds during the fiscal year ending June 30, 1986:

A. OPERATING BUDGET

CIVIL SERVICE COMMISSION

160. Personnel Administration

General Fund Appropriation \$ 1,435,608

An internal service fund is hereby authorized to provide for the operation of the Unemployment Insurance function, the costs of which are to be recovered from operating agencies.

COMMUNITY COLLEGE OF BALTIMORE

430. Administration and Support Services

Higher Education Fund Appropriation \$ 3,841,829

Other Federal Fund Appropriation \$ 213,993

431. Instruction

Higher Education Fund Appropriation \$ 8,806,557

Other Federal Fund Appropriation \$ 1,452,187

ORDINANCES

377

432.	Operational Plant Maintenance		
	Higher Education Fund Appropriation	\$	2,535,820
433.	Student Services		
	Higher Education Fund Appropriation	\$	2,278,526
	Other Federal Fund Appropriation	\$	5,866,700
	A revolving fund is hereby authorized to provide for the receipt of funds from student fees and other charges and for the expenditure thereof for student activity purposes not supported by City Appropriation.		
436.	General Fund Support		
	General Fund Appropriation	\$	5,223,483

COMMUNITY RELATIONS COMMISSION

156.	Development of Intergroup Relations		
	General Fund Appropriation	\$	835,936
	Other Federal Fund Appropriation	\$	74,831

COMPTROLLER, DEPARTMENT OF

130.	Executive Direction and Control		
	General Fund Appropriation	\$	214,411
131.	Audits		
	General Fund Appropriation	\$	1,425,574
132.	Real Estate Acquisition and Management		
	General Fund Appropriation	\$	438,722
133.	Municipal Telephone Exchange		
	An internal service fund is hereby authorized to provide for operation of a municipal telephone exchange, the costs of which are to be recovered from using agencies.		
135.	Insurance on City Facilities		
	General Fund Appropriation	\$	1,007,490
136.	Municipal Post Office		
	An internal service fund is hereby authorized to provide for operation of a municipal post office, the costs of which are to be recovered from using agencies.		
536.	Harbor Administration		
	General Fund Appropriation	\$	133,772
596.	Management of Leased Properties		
	General Fund Appropriation	\$	568,513

COUNCIL, CITY

100.	City Legislation		
	General Fund Appropriation	\$	1,850,337

COUNCIL, OFFICE OF FINANCIAL REVIEW

103. Financial Review		
General Fund Appropriation	\$	258,588

COURTS

109. Psychiatric Evaluation		
General Fund Appropriation	\$	9,000
110. Circuit Court for Baltimore City		
General Fund Appropriation	\$	5,368,669
State Fund Appropriation	\$	203,375
112. Orphans' Court		
General Fund Appropriation	\$	247,630

DISASTER CONTROL AND CIVIL DEFENSE, OFFICE OF

220. Disaster Planning		
General Fund Appropriation	\$	235,782

EDUCATION, DEPARTMENT OF

700. Administration		
Education Fund Appropriation	\$	1,360,335
701. Staff Development		
Education Fund Appropriation	\$	158,421
Other Federal Fund Appropriation	\$	56,398
Other Special Fund Appropriation	\$	7,972
702. Human Resources and Labor Relations Services		
Education Fund Appropriation	\$	1,055,481
Other Federal Fund Appropriation	\$	234,389
703. Planning Services		
Education Fund Appropriation	\$	1,303,133
Other Federal Fund Appropriation	\$	349,143
Other Special Fund Appropriation	\$	37,003
704. Business Management Services		
Education Fund Appropriation	\$	3,058,216
Other Federal Fund Appropriation	\$	614,519
705. Fiscal Management		
Education Fund Appropriation	\$	947,904
Other Federal Fund Appropriation	\$	551,375
Other Special Fund Appropriation	\$	112,906
706. Data Processing		
Education Fund Appropriation	\$	2,614,830

ORDINANCES

379

Other Federal Fund Appropriation	\$	497,920
Other Special Fund Appropriation	\$	30,112

707. Secondary Instructional Management

Education Fund Appropriation	\$	3,413,756
Other Federal Fund Appropriation	\$	403,916

708. General Instruction

Education Fund Appropriation	\$	138,216,717
Other Federal Fund Appropriation	\$	22,849,758
State Fund Appropriation	\$	1,595,250
Other Special Fund Appropriation	\$	14,160

709. Vocational Education Services

Education Fund Appropriation	\$	10,451,382
Other Federal Fund Appropriation	\$	1,494,373
Other Special Fund Appropriation	\$	31,180

710. Adult and Community Schools

Education Fund Appropriation	\$	884,465
Other Federal Fund Appropriation	\$	334,415
State Fund Appropriation	\$	84,305

711. Gifted and Talented

Education Fund Appropriation	\$	1,538,003
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713. Pupil Transportation

Education Fund Appropriation	\$	1,489,061
State Fund Appropriation	\$	9,127,086
Other Special Appropriation	\$	15,842

714. Physical Plant Design and Management

Education Fund Appropriation	\$	469,493
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715. Plant Operations

Education Fund Appropriation	\$	38,287,994
State Fund Appropriation	\$	14,487

716. Plant Maintenance

Education Fund Appropriation	\$	10,754,956
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717. School Security Services

Education Fund Appropriation	\$	5,475,440
Other Special Fund Appropriation	\$	20,062

718. Food Services

Education Fund Appropriation	\$	75,295
Other Special Fund Appropriation	\$	20,363,589

719.	Student Activities		
	Education Fund Appropriation	\$	948,633
	Other Special Fund Appropriation	\$	6,715
720.	Pupil Services		
	Education Fund Appropriation	\$	7,740,943
	Other Federal Fund Appropriation	\$	292,454
	Other Special Fund Appropriation	\$	42,734
721.	Special Education		
	Education Fund Appropriation	\$	2,225,029
	Other Federal Fund Appropriation	\$	425,544
	State Fund Appropriation	\$	35,580
722.	Special Education - Instruction		
	Education Fund Appropriation	\$	42,358,333
	Other Federal Fund Appropriation	\$	5,040,889
	State Fund Appropriation	\$	2,000,000
723.	Vocational Services for Special Education		
	Education Fund Appropriation	\$	1,864,316
	Other Federal Fund Appropriation	\$	106,862
724.	Elementary Instructional Management		
	Education Fund Appropriation	\$	805,465
	Other Federal Fund Appropriation	\$	458,854
725.	General Fund Support		
	General Fund Appropriation	\$	140,862,625

ELECTIONS, SUPERVISORS OF

180.	Voter Registration and Conduct of Elections		
	General Fund Appropriation	\$	938,683

EMPLOYEES RETIREMENT SYSTEMS, BOARD OF TRUSTEES OF

152.	Administration, Employees Retirement Systems		
	General Fund Appropriation	\$	430,000
	Other Special Fund Appropriation	\$	978,626

FINANCE, DEPARTMENT OF

140.	Administrative Direction and Control		
	General Fund Appropriation	\$	333,370

ORDINANCES

381

141.	Budget and Management Research		
	General Fund Appropriation	\$	1,498,965
	Federal Revenue Sharing Fund Appropriation	\$	22,000
142.	Accounting Systems and Operations		
	General Fund Appropriation	\$	1,729,637
	An internal service fund is hereby authorized to provide for accounting services of the Mobile Equipment Program, the costs of which are to be recovered from using agencies.		
144.	Purchasing		
	General Fund Appropriation	\$	4,314,101
	An internal service fund is hereby authorized to provide for operation of an oil delivery service, the costs of which are to be recovered from using agencies.		
	An internal service fund is hereby authorized to provide for operation of a municipal reproduction and printing service, the costs of which are to be recovered from using agencies.		
	An internal service fund is hereby authorized to provide for centralized automotive parts warehousing and inventory, the costs of which are to be recovered from using agencies.		
147.	Management Information Services		
	General Fund Appropriation	\$	4,147,864
	Federal Revenue Sharing Fund Appropriation	\$	83,000
150.	Treasury Management		
	General Fund Appropriation	\$	1,719,831
151.	Central Payroll and Disbursements		
	General Fund Appropriation	\$	1,853,758
	Federal Revenue Sharing Fund Appropriation	\$	22,000

FIRE DEPARTMENT

210.	Administrative Direction and Control		
	General Fund Appropriation	\$	1,010,425
	Federal Revenue Sharing Fund Appropriation	\$	1,800,034
211.	Training		
	Federal Revenue Sharing Fund Appropriation	\$	493,707

212.	Fire Suppression	
	General Fund Appropriation	\$ 57,561,158
	Federal Revenue Sharing Fund Appropriation	\$ 2,647,727
	State Fund Appropriation	\$ 545,923
213.	Fire Prevention	
	Federal Revenue Sharing Fund Appropriation	\$ 1,614,493
	State Fund Appropriation	\$ 125,000
215.	Fire Alarm and Communications	
	Federal Revenue Sharing Fund Appropriation	\$ 2,373,021
217.	Equipment Maintenance	
	Federal Revenue Sharing Fund Appropriation	\$ 1,562,711
219.	Non-Actuarial Retirement Benefits	
	General Fund Appropriation	\$ 1,697,000
319.	Ambulance Service	
	Federal Revenue Sharing Fund Appropriation	\$ 4,598,512

HEALTH, DEPARTMENT OF

240.	Animal Control	
	General Fund Appropriation	\$ 1,334,751
300.	Administrative Direction and Control	
	General Fund Appropriation	\$ 2,756,283
	State Fund Appropriation	\$ 15,150
302.	Environmental Health	
	General Fund Appropriation	\$ 3,000,598
	State Fund Appropriation	\$ 352,829
303.	Special Purpose Grants	
	Other Special Fund Appropriation	\$ 2,000,000
304.	Clinical Services	
	General Fund Appropriation	\$ 2,513,749
	Other Federal Fund Appropriation	\$ 698,840
	State Fund Appropriation	\$ 420,355
	Other Special Fund Appropriation	\$ 5,559,284
305.	Maternal and Infant Services	
	General Fund Appropriation	\$ 83,740
	State Fund Appropriation	\$ 1,856,046
306.	General Nursing Services	
	General Fund Appropriation	\$ 1,820,521

ORDINANCES

383

307.	Mental Health Services		
	General Fund Appropriation	\$	1,221,748
	State Fund Appropriation	\$	25,406,329
308.	Children and Youth Services		
	General Fund Appropriation	\$	851,825
	State Fund Appropriation	\$	10,852,616
310.	School Health Services		
	General Fund Appropriation	\$	2,604,161
	Other Federal Fund Appropriation	\$	586,803
	State Fund Appropriation	\$	185,122
311.	Health Services for the Aging		
	General Fund Appropriation	\$	880,587
	Other Federal Fund Appropriation	\$	567,442
	State Fund Appropriation	\$	575,413

HOUSING AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

119.	Community Center Administration		
	General Fund Appropriation	\$	1,339,337
	Other Federal Fund Appropriation	\$	436,331
177.	Administrative Direction and Control		
	General Fund Appropriation	\$	19,626,595
	Other Federal Fund Appropriation	\$	224,619
260.	Construction and Building Inspection		
	General Fund Appropriation	\$	1,915,570
	Other Federal Fund Appropriation	\$	738,447
570.	Preservation of Historic Places		
	General Fund Appropriation	\$	255,503
	Other Federal Fund Appropriation	\$	21,054
	State Fund Appropriation	\$	25,000
581.	Planning		
	General Fund Appropriation	\$	190,485
	Other Federal Fund Appropriation	\$	538,276
582.	Land Development		
	General Fund Appropriation	\$	2,332,779
	Other Federal Fund Appropriation	\$	162,080
583.	Neighborhood Development		
	General Fund Appropriation	\$	4,429,890
	Other Federal Fund Appropriation	\$	1,381,398
	State Fund Appropriation	\$	115,000
	Other Special Fund Appropriation	\$	100,000

584.	Charles Center/Inner Harbor Management		
	General Fund Appropriation	\$	1,062,990
585.	Economic Development		
	General Fund Appropriation	\$	2,332,874
	Other Special Fund Appropriation	\$	320,000
593.	Community Support Projects		
	Other Federal Fund Appropriation	\$	3,528,795

JAIL BOARD

290.	Care and Custody of Prisoners		
	General Fund Appropriation	\$	20,143,331
293.	Jail Commissary		
	Other Special Fund Appropriation	\$	311,695
294.	Jail Industries		
	An internal service fund is hereby authorized to provide for the operation and maintenance of the Jail Industries project, the costs of which are recovered by sale of products and services, and an initial subsidy from General Fund.		
175.	Legal Services		
	General Fund Appropriation	\$	3,947,740
	Federal Revenue Sharing Fund Appropriation	\$	241,514
	An internal service is hereby authorized to provide for a self-insurance program covering automotive equipment, police animal liability and employee liability, the costs of which are to be recovered from using agencies.		

LEGISLATIVE REFERENCE, DEPARTMENT OF

106.	Legislative Reference Services		
	General Fund Appropriation	\$	234,325
107.	Archives and Records Management		
	General Fund Appropriation	\$	226,616

LIBRARY, ENOCH PRATT FREE

450.	Administrative and Technical Services		
	General Fund Appropriation	\$	258,316
	State Fund Appropriation	\$	73,500

ORDINANCES

385

452.	Extension Services		
	General Fund Appropriation	\$	5,538,371
	Federal Revenue Sharing Fund Appropriation	\$	422,000
	State Fund Appropriation	\$	15,000
453.	State Library Resource Center		
	General Fund Appropriation	\$	2,258,731
	State Fund Appropriation	\$	3,261,616

LIQUOR LICENSE COMMISSIONERS, BOARD OF

250.	Liquor Control		
	General Fund Appropriation	\$	706,249

MAYORALTY

125.	Executive Direction and Control		
	General Fund Appropriation	\$	1,667,151
	Other Federal Fund Appropriation	\$	116,000
	State Fund Appropriation	\$	26,328

MAYORALTY-RELATED

121.	Contingent Fund		
	General Fund Appropriation	\$	1,000,000
122.	Miscellaneous General Expenses		
	General Fund Appropriation	~~\$~~	~~16,394,711~~
		\$	16,283,711
385.	Health and Welfare Grants		
	General Fund Appropriation	\$	1,753,327
446.	Educational Grants		
	General Fund Appropriation	\$	798,588
590.	Civic Promotion		
	General Fund Appropriation	\$	5,053,568
120.	Promotion of Equal Rights for Women		
	General Fund Appropriation	\$	78,341
124.	Intergovernmental Research		
	General Fund Appropriation	\$	398,569
128.	Labor Relations		
	General Fund Appropriation	\$	227,628
224.	Mayor's Coordinating Council on Criminal Justice		
	General Fund Appropriation	\$	677,474

	Other Federal Fund Appropriation	\$ 114,176
	Other Special Fund Appropriation	\$ 137,500
324.	Aging and Retirement Education	
	General Fund Appropriation	\$ 740,931
	State Fund Appropriation	\$ 5,176,629
492.	Promotion of Art and Culture	
	General Fund Appropriation	\$ 2,545,732
	Other Federal Fund Appropriation	\$ 15,000
	State Fund Appropriation	\$ 21,300
	Other Special Fund Appropriation	\$ 136,037
538.	Municipal Markets Administration	
	General Fund Appropriation	\$ 1,816,038
572.	Cable & Communications Coordination	
	General Fund Appropriation	\$ 397,819
531.	Convention Center Operation	
	General Fund Appropriation	\$ 4,151,501
540.	Civic Center Operation	
	General Fund Appropriation	\$ 3,821,892
630.	Administration (Title I)	
	General Fund Appropriation	\$ 232,667
	State Fund Appropriation	\$ 2,508,607
631.	Job Training Partnership (Title II and III)	
	State Fund Appropriation	\$ 13,574,916
633.	Job Training Partnership (Title III)	
	Other Federal Fund Appropriation	\$ 316,925
639.	Special Services	
	General Fund Appropriation	\$ 381,497
	State Fund Appropriation	\$ 1,936,009
	Other Special Fund Appropriation	\$ 600,000

MAYOR'S ADVISORY COMMITTEE ON SMALL BUSINESS

575.	Liaison with Small Business	
	General Fund Appropriation	\$ 81,803

MUSEUM OF ART

489.	Operation of Museum of Art	
	General Fund Appropriation	\$ 2,863,617

MUNICIPAL MUSEUM, BOARD OF TRUSTEES

490. Operation of Municipal Museums		
General Fund Appropriation	\$	452,218
Other Federal Fund Appropriation	\$	36,500

OCCUPATIONAL MEDICINE AND SAFETY, OFFICE OF

167. Occupational Medicine and Safety		
General Fund Appropriation	\$	1,137,655

OFF-STREET PARKING COMMISSION

579. Development of Off-Street Parking Facilities		
General Fund Appropriation	\$	2,738,845
Parking Enterprise Fund Appropriation	\$	2,942,000

PLANNING, DEPARTMENT OF

187. City Planning		
General Fund Appropriation	\$	1,438,195
Motor Vehicle Fund Appropriation	\$	240,737
Other Federal Fund Appropriation	\$	589,000
State Fund Appropriation	\$	200,000

POLICE, DEPARTMENT OF

200. Administrative Direction and Control		
General Fund Appropriation	\$	8,882,041
201. General Patrol		
General Fund Appropriation	\$	85,925,245
202. Investigations		
General Fund Appropriation	\$	11,274,028
203. Traffic		
General Fund Appropriation	\$	3,040,342
Motor Vehicle Fund Appropriation	\$	3,168,075
State Fund Appropriation	\$	161,260
204. Services Bureau		
General Fund Appropriation	\$	14,940,856
State Fund Appropriation	\$	1,455,472
205. Non-Actuarial Retirement Benefits		
General Fund Appropriation	\$	9,625,000

PUBLIC WORKS, DEPARTMENT OF

189. Mobile Equipment

An internal service fund is hereby authorized to provide for operation of a central automotive and mechanical repair service, the costs of which are to be recovered from using agencies.

190. Administrative Direction and Control

General Fund Appropriation \$ 1,760,653

191. Survey Control

General Fund Appropriation \$ 1,479,361

192. General Services Administration

General Fund Appropriation \$ 157,536

193. Public Building Management

General Fund Appropriation \$ 11,395,789

195. Abandoned Vehicles

General Fund Appropriation \$ 451,340

Motor Vehicle Fund Appropriation \$ 2,211,297

State Fund Appropriation \$ 15,000

196. Special Services

General Fund Appropriation \$ 3,175,371

Motor Vehicle Fund Appropriation \$ 1,674,651

241. Materials, Weights and Measures Testing

General Fund Appropriation \$ 286,302

242. Public Building Construction Inspection

An internal service fund is hereby authorized to provide for contract management and inspection of municipal building construction, the costs of which are to be recovered from capital project appropriations.

243. Highway, Bridge and Utility Construction Inspection

An internal service fund is hereby authorized to provide for contract management and inspection of municipal highway, bridge and utility construction, the costs of which are to be recovered from capital project appropriations.

500. Street Lighting

Motor Vehicle Fund Appropriation \$ 14,269,721

501. Public Streets, Bridges and Highways

Motor Vehicle Fund Appropriation \$ 13,072,099

ORDINANCES

389

503.	Highway Administration and Engineering	
	General Fund Appropriation	\$ 1,245,144
	Motor Vehicle Fund Appropriation	\$ 27,063,598
515.	Solid Waste Collection	
	General Fund Appropriation	\$ 13,977,088
	Federal Revenue Sharing Fund Appropriation	\$ 247,281
	Motor Vehicle Fund Appropriation	\$ 11,507,789
516.	Solid Waste Disposal	
	General Fund Appropriation	\$ 21,675,102
	Federal Revenue Sharing Fund Appropriation	\$ 1,513,000
518.	Maintenance and Repair of Storm Water Systems	
	Motor Vehicle Fund Appropriation	\$ 2,427,827
519.	Solid Waste Engineering and Storm Water Management	
	General Fund Appropriation	\$ 349,600
	Motor Vehicle Fund Appropriation	\$ 7,876,366
	State Fund Appropriation	\$ 83,988
544.	Maintenance and Repair of Sanitary Systems	
	Waste Water Utility Fund Appropriation	\$ 6,229,865
546.	Water Distribution, Water Meters and Investigation	
	Water Utility Fund Appropriation	\$ 13,137,338
548.	Conduits	
	General Fund Appropriation	\$ 1,799,906
550.	Waste Water Treatment and Pumping	
	Waste Water Utility Fund Appropriation	\$ 37,582,917
552.	Water Supply Treatment and Pumping	
	Water Utility Fund Appropriation	\$ 12,459,855
553.	Water Administration and Engineering	
	Water Utility Fund Appropriation	\$ 12,535,480
554.	Waste Water Administration and Engineering	
	Other Federal Fund Appropriation	\$ 6,380
	Waste Water Utility Fund Appropriation	\$ 11,724,485
561.	Metered Water Accounts	
	Water Utility Fund Appropriation	\$ 4,843,917

RECREATION AND PARKS, DEPARTMENT OF

471.	Administrative Direction and Control	
	General Fund Appropriation	\$ 3,243,558

473.	Municipal Concerts and Other Musical Events		
	General Fund Appropriation	\$	112,988
478.	General Park Services		
	General Fund Appropriation	\$	9,930,344
	State Fund Appropriation	\$	973,457
479.	Special Park Facilities		
	General Fund Appropriation	\$	5,024,752
	Other Special Fund Appropriation	\$	230,000
480.	Regular Recreational Services		
	General Fund Appropriation	\$	6,096,765
	Federal Revenue Sharing Fund Appropriation	\$	5,179,000
	State Fund Appropriation	\$	216,948
482.	Supplementary Recreational Services		
	State Fund Appropriation	\$	583,814
	Other Special Fund Appropriation	\$	24,223
505.	Park and Street Trees		
	General Fund Appropriation	\$	1,660,221

SHERIFF, OFFICE OF

118.	Sheriff Services		
	General Fund Appropriation	\$	2,826,339
	Other Federal Fund Appropriation	\$	257,025

SOCIAL SERVICES, DEPARTMENT OF

365.	Public Assistance		
	General Fund Appropriation	\$	749,915
	Provided that \$16,350 per month from the aforementioned appropriation will be allotted for General Public Assistance-Employable grants.		

STATE'S ATTORNEY, OFFICE OF

115.	Prosecution of Criminals		
	General Fund Appropriation	\$	7,481,091
	Other Federal Fund Appropriation	\$	422,827

TRANSIT AND TRAFFIC, DEPARTMENT OF

230.	Administrative Direction and Control		
	Motor Vehicle Fund Appropriation	\$	826,799
	State Fund Appropriation	\$	87,092

ORDINANCES

391

231.	Traffic Engineering		
	General Fund Appropriation	\$	67,190
	Motor Vehicle Fund Appropriation	\$	1,382,411
	An internal service fund is hereby authorized to provide for operation of a City-owned pager system, the costs of which are to be recovered from using agencies.		
232.	Parking Meters		
	General Fund Appropriation	\$	744,688
233.	Traffic Signs and Street Markings		
	General Fund Appropriation	\$	67,000
	Motor Vehicle Fund Appropriation	\$	2,273,054
	State Fund Appropriation	\$	8,000
234.	Construction and Maintenance of Traffic Signals		
	Motor Vehicle Fund Appropriation	\$	3,281,820
235.	Parking Enforcement		
	General Fund Appropriation	\$	1,798,671
239.	Traffic Operations		
	General Fund Appropriation	\$	20,000
	Motor Vehicle Fund Appropriation	\$	1,783,671

URBAN SERVICES AGENCY

171.	Administration		
	General Fund Appropriation	\$	842,796
	Other Federal Fund Appropriation	\$	551,467
	State Fund Appropriation	\$	731,003
172.	Neighborhood Organization		
	General Fund Appropriation	\$	357,254
	Other Federal Fund Appropriation	\$	455,413
	State Fund Appropriation	\$	1,294,823
296.	Legal Assistance		
	General Fund Appropriation	\$	50,000
322.	Comprehensive Health Services		
	Other Federal Fund Appropriation	\$	1,200,000
376.	Social Services		
	General Fund Appropriation	\$	265,008
	Other Federal Fund Appropriation	\$	518,394
	State Fund Appropriation	\$	95,620

395.	Children's Services		
	General Fund Appropriation	\$	128,881
	Other Federal Fund Appropriation	\$	3,940,585
396.	Family and Community Services		
	Other Federal Fund Appropriation	\$	7,481,250
	State Fund Appropriation	\$	22,245,869
426.	Education		
	General Fund Appropriation	\$	70,684
	Other Federal Fund Appropriation	\$	188,912
496.	Recreation		
	Other Federal Fund Appropriation	\$	177,412
	State Fund Appropriation	\$	235,648
576.	Business Assistance		
	General Fund Appropriation	\$	250,000
	Other Federal Fund Appropriation	\$	158,650

WAGE COMMISSION

165.	Wage Enforcement		
	General Fund Appropriation	\$	268,362

WAR MEMORIAL COMMISSION

487.	Operation of War Memorial Building		
	General Fund Appropriation	\$	172,744

ZONING APPEALS, DEPARTMENT OF MUNICIPAL AND

185.	Zoning, Tax and Other Appeals		
	General Fund Appropriation	\$	336,762

B. CAPITAL BUDGET

COMMUNITY COLLEGE OF BALTIMORE

Constructive Reserve			
	General Fund Appropriation	\$	80,000
	State Fund Appropriation	\$	240,000
	Other Federal Fund Appropriation	\$	50,000
	Provided that the foregoing Capital Improvement Appropriations herein made are for the following:		
	Liberty Campus—Library Renovation		
	General Fund Appropriation	\$	72,000
	State Fund Appropriation	\$	220,000
	Other Special Fund Appropriation	\$	50,000

ORDINANCES

393

Liberty Campus—Field House Renovation		
General Fund Appropriation	\$	8,000
State Fund Appropriation	\$	20,000

COMPTROLLER, DEPARTMENT OF

Construction Reserve		
General Fund Appropriation	\$	238,000
State Fund Appropriation	\$	75,000
Provided that the foregoing Capital Improvement Ap-		
propriations herein made are for the following:		
Middle Branch Derelict Pier & Boat Removal		
General Fund Appropriation	\$	75,000
State Fund Appropriation	\$	75,000
Broadway Pier Repair-Pilings and Fender		
General Fund Appropriation	\$	163,000

EDUCATION, DEPARTMENT OF

Construction Reserve		
Loan Fund Appropriation	\$	3,000,000
Federal Fund Appropriation	\$	192,000
State Fund Appropriation	\$	6,688,000
Provided that the foregoing Capital Improvement Ap-		
propriations herein made are for the following:		
Roof Replacement (FY 1986)—Various Schools		
Loan Fund Appropriation	\$	1,670,000
School for the Performing Arts—Elevator		
Loan Fund Appropriation	\$	330,000
Energy Conservation Program—Fiscal 1986		
Loan Fund Appropriation	\$	64,000
Federal Fund Appropriation	\$	192,000
State Fund Appropriation	\$	64,000
Roland Park Elem/Middle #233—Renovation		
Loan Fund Appropriation	\$	736,000
State Fund Appropriation	\$	6,624,000
Garrison Junior High #42—Renovation		
Loan Fund Appropriation	\$	200,000

HOUSING AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Construction Reserve		
Loan Fund Appropriation	\$	11,974,000
General Fund Appropriation	\$	1,530,000
Federal Fund Appropriation	\$	1,000,000
State Fund Appropriation	\$	192,000
Other Special Fund Appropriation	\$	3,800,000
Mayor and City Council Real Property Fund Appropri-		
ation		33,000
Provided that the foregoing Capital Improvement Ap-		
propriations herein made are for the following:		

Neighborhood Services Program	
Loan Fund Appropriation	\$ 1,000,000
Park Heights Area near Pimlico Track—Improvements	
State Fund Appropriation	\$ 192,000
Market Center Redevelopment (Value Capture)	
Mayor and City Council Real Property Fund Appropriation	\$ 33,000
Ostend-Leadenhall Ind. Park—Site Acquisition and Improvements	
Loan Fund Appropriation	\$ 15,000
Waterview Ave Industrial Development—Acquisition	
Federal Fund Appropriation	\$ 1,000,000
Medical Research Park—Development	
Loan Fund Appropriation	\$ 3,085,000
Baltimore Techcenter-Development/Conversion	
Loan Fund Appropriation	\$ 1,000,000
E Monument Street Commercial Revitalization Area—Improvements	
Loan Fund Appropriation	\$ 130,000
Penn/North/Charles Business Area—Improvements	
Loan Fund Appropriation	\$ 445,000
Neighborhood Incentive Program	
Loan Fund Appropriation	\$ 500,000
Charles St. Corridor—Improvements	
Loan Fund Appropriation	\$ 500,000
Liberty/Garrison Business Area—Improvements	
Loan Fund Appropriation	\$ 300,000
West Pratt Business Area—Improvements	
Loan Fund Appropriation	\$ 175,000
Park/Rogers Business Area—Improvements	
Loan Fund Appropriation	\$ 100,000
Belair Corridor—Improvements	
Loan Fund Appropriation	\$ 400,000
Harford Road Corridor Commercial Improvements	
Loan Fund Appropriation	\$ 200,000
Irvington Business Area	
Loan Fund Appropriation	\$ 150,000
3100 Block W. North Avenue—Improvements	
Loan Fund Appropriation	\$ 200,000
Reisterstown Road Business Area—Improvement	
Loan Fund Appropriation	\$ 25,000
Venture Capital Fund	
Loan Fund Appropriation	\$ 1,000,000
Pratt Street Improvements	
Other Special Fund Appropriation	\$ 500,000
Inner Harbor Public Facilities—Const.	
Other Special Fund Appropriation	\$ 1,000,000
Lexington Market—Improvements	
General Fund Appropriation	\$ 1,280,000
Washington Hill-Chapel Renewal (CDBG Funds)	
Loan Fund Appropriation	\$ 3,000
Park Heights Renewal (CDBG Funds)	
Loan Fund Appropriation	\$ 202,000

ORDINANCES

395

Charles Center (CDBG/UDAG-Repayment Funds)		
General Fund Appropriation	\$	250,000
Other Special Fund Appropriation	\$	500,000
Inner Harbor I Renewal (CDBG Funds)		
Other Special Fund Appropriation	\$	800,000
Fells Point Renewal (CDBG Funds)		
Loan Fund Appropriation	\$	178,000
Poppleton Renewal (CDBG Funds)		
Loan Fund Appropriation	\$	121,000
Inner Harbor West Renewal (CDBG Funds)		
Other Special Fund Appropriation	\$	500,000
Sharp-Leadenhall Renewal (CDBG Funds)		
Loan Fund Appropriation	\$	15,000
Druid Heights Renewal (CDBG Funds)		
Loan Fund Appropriation	\$	70,000
Jonestown Renewal (CDBG Funds)		
Loan Fund Appropriation	\$	122,000
Johnston Square Renewal (CDBG Funds)		
Loan Fund Appropriation	\$	275,000
Market Center Renewal (CDBG Funds)		
Loan Fund Appropriation	\$	1,250,000
Coldstream-Homestead-Montebello (CDBG Funds)		
Loan Fund Appropriation	\$	38,000
Barclay Renewal (CDBG Funds)		
Loan Fund Appropriation	\$	147,000
North Avenue/Wallbrook (CDBG Funds)		
Loan Fund Appropriation	\$	200,000
Emergency Demolition—(CDBG Funds)		
Loan Fund Appropriation	\$	128,000
Home Improvement Loan Program (CDBG Funds)		
Other Special Fund Appropriation	\$	500,000

Construction Reserve—Historical and Architectural Preservation

General Fund Appropriation	\$	39,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:		
Outdoor Monuments and Statuary-Preservation		
General Fund Appropriation	\$	39,000

JAIL BOARD

Construction Reserve

Loan Fund Appropriation	\$	2,500,000
State Fund Appropriation	\$	1,150,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:		
Admin./Industrial Building—Acquisition		
Loan Fund Appropriation	\$	1,500,000

Womens Detention Center—Renovation

Loan Fund Appropriation	\$ 1,000,000
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State Fund Appropriation	\$ 1,000,000
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Expansion

State Fund Appropriation	\$ 150,000
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LIBRARY, ENOCH PRATT FREE

Construction Reserve

Other Special Fund Appropriation	\$ 111,000
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Provided that the foregoing Capital Improvement Appropriations herein made are for the following:

Central Library—Renovation

Other Special Fund Appropriation	\$ 111,000
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MAYORALTY—RELATED

Construction Reserve

Loan Fund Appropriation	\$ 1,000,000
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General Fund Appropriation	\$ 1,215,000
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State Fund Appropriation	\$ 5,200,000
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Other Special Fund Appropriation	\$ 230,000
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Provided that the foregoing Capital Improvement Appropriations herein made are for the following:

Maryland Food Bank Warehouse—Development

General Fund Appropriation	\$ 150,000
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Northwest Senior Center—Construction

General Fund Appropriation	\$ 200,000
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State Fund Appropriation	\$ 200,000
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Other Special Fund Appropriation	\$ 200,000
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Walters Art Gallery—Restoration

Loan Fund Appropriation	\$ 1,000,000
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Neighborhood Facilities—Design/Construction

General Fund Appropriation	\$ 270,000
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1 West Mount Vernon Place—Refurbishing

General Fund Appropriation	\$ 175,000
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Aquarium—Childrens Cove Expansion

General Fund Appropriation	\$ 170,000
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Other Special Fund Appropriation	\$ 30,000
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Aquarium Pier Ticket Booth—Development/Construction

General Fund Appropriation	\$ 100,000
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Convention Center—Electrical Improvements

General Fund Appropriation	\$ 150,000
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Convention Center—Expansion

State Fund Appropriation	\$ 5,000,000
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ORDINANCES

397

MUNICIPAL MUSEUM

Construction Reserve

Loan Fund Appropriation	\$ 1,000,000
General Fund Appropriation	\$ 240,000
Other Special Fund Appropriation	\$ 892,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:	
Museum Row/City Life Museum—Construction	
Loan Fund Appropriation	\$ 1,000,000
General Fund Appropriation	\$ 150,000
Other Special Fund Appropriation	\$ 800,000
Center for Urban Archaeology—Construction	
General Fund Appropriation	\$ 90,000
Other Special Fund Appropriation	\$ 92,000

MUSEUM OF ART

Construction Reserve

General Fund Appropriation	\$ 200,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:	
Museum of Art—Additional Improvements:	
General Fund Appropriation	\$ 200,000

OFF-STREET PARKING COMMISSION

Construction Reserve

Other Special Fund Appropriation	\$ 100,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:	
Parking Enterprise—Renewal and Replacement	
Other Special Fund Appropriation	\$ 100,000

POLICE DEPARTMENT

Construction Reserve

General Fund Appropriation	\$ 150,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:	
Police Marine Unit—Relocation	
General Fund Appropriation	\$ 150,000

PUBLIC WORKS, DEPARTMENT OF

Construction Reserve—Alley and Footway Paving

General Fund Appropriation	\$ 250,000
Motor Vehicle Fund Appropriation	\$ 1,550,000
Other Special Fund Appropriation	\$ 1,675,000

Provided that the foregoing Capital Improvement Appropriations herein made are for the following:

Footway Paving Construction Reserve

General Fund Appropriation	\$ 50,000
Other Special Fund Appropriation	\$ 175,000

Alley Paving Construction Reserve

Motor Vehicle Fund Appropriation	\$ 1,500,000
Other Special Fund Appropriation	\$ 1,500,000

Sidewalks Damaged by Tree Roots—Repair

General Fund Appropriation	\$ 200,000
Motor Vehicle Fund Appropriation	\$ 50,000

Construction Reserve—Conduit Construction

Other Special Fund Appropriation	\$ 1,000,000
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Provided that the foregoing Capital Improvement Appropriations herein made are for the following:

Conduit Construction Reserve

Other Special Fund Appropriation	\$ 1,000,000
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Construction Reserve—General Services

General Fund Appropriation	\$ 3,950,000
Waste Water Utility Fund Appropriation	\$ 28,000
Water Utility Fund Appropriation	\$ 14,000
Motor Vehicle Fund Appropriation	\$ 278,000
Other Special Fund Appropriation	\$ 300,000

Provided that the foregoing Capital Improvement Appropriations herein made are for the following:

Abandoned Vehicles Office—Construction

Motor Vehicle Fund Appropriation	\$ 250,000
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Mitchell Court House—Renovation

General Fund Appropriation	\$ 500,000
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Police Headquarters—Mechanical Renovation

General Fund Appropriation	\$ 180,000
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Central Garage—Roof and Ventilation Improvements

Other Special Fund Appropriation	\$ 300,000
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Cloisters Children's Museum—Electrical Improvements

General Fund Appropriation	\$ 50,000
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Municipal Building—Air Conditioning/Roof

General Fund Appropriation	\$ 70,000
Waste Water Utility Fund Appropriation	\$ 28,000
Water Utility Fund Appropriation	\$ 14,000
Motor Vehicle Fund Appropriation	\$ 28,000

City Hall Improvements—Fiscal 1986

General Fund Appropriation	\$ 150,000
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ORDINANCES

399

Asbestos Management Program

General Fund Appropriation	\$	3,000,000
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Construction Reserve—Highways Construction

Federal Fund Deappropriation	\$	(5,011,000)
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Motor Vehicle Fund Appropriation	\$	10,984,000
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Provided that the foregoing Capital Improvement Appropriations herein made are for the following:

Bridge Section Yard—Relocation

Motor Vehicle Fund Appropriation	\$	150,000
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Interstate Avenue at O'Donnell Street—Widening

Motor Vehicle Fund Appropriation	\$	98,000
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Glenoak Avenue Reconstruction (Chesley to Glendale)

Motor Vehicle Fund Appropriation	\$	573,000
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Plumer Avenue Reconstruction (S. of Powell-Springwood)

Motor Vehicle Fund Appropriation	\$	10,000
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Northern Parkway Bridge over the Herring Run

Federal Fund Appropriation	\$	446,000
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Motor Vehicle Fund Appropriation	\$	164,000
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Edmondson Avenue Bridge over Amtrak RR

Motor Vehicle Fund Appropriation	\$	240,000
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Garrett Street Reconstruction (Hanover to Potee)

Motor Vehicle Fund Appropriation	\$	5,000
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Gloster Street Reconstruction (Georgetown to Dead End)

Motor Vehicle Fund Appropriation	\$	142,000
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Hamilton Avenue Rehabilitation (Walther to Belair)

Federal Fund Appropriation	\$	541,000
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Motor Vehicle Fund Appropriation	\$	105,000
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Wilkens Avenue Bridge over Amtrak Railroad

Motor Vehicle Fund Appropriation	\$	800,000
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Tucker Lane Reconstruction (Wetheredsville-Dead End)

Motor Vehicle Fund Appropriation	\$	23,000
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La Salle Avenue Reconstruction (Belair Rd-Plainfield)

Motor Vehicle Fund Appropriation	\$	25,000
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Central Avenue Reconstruction (Aliceanna to Monument)

Federal Fund Appropriation	\$	2,550,000
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Motor Vehicle Fund Appropriation	\$	495,000
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Parkside Drive Reconstruction (Walther to Belair)

Motor Vehicle Fund Appropriation	\$	99,000
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Callaway Avenue Rehabilitation (Liberty to Coldspring)

Motor Vehicle Fund Appropriation	\$	300,000
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Eastern Avenue/Ponca Street Intersection IMP

Motor Vehicle Fund Appropriation	\$	110,000
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Martin Luther King Blvd—Final Payment Adjustments

Motor Vehicle Fund Appropriation	\$	830,000
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Morrell Park Streets—Reconstruction

Motor Vehicle Fund Appropriation	\$	9,000
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Vermont Avenue Reconstruction (Woodington—Augusta)

Motor Vehicle Fund Appropriation	\$	14,000
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Durst Street Reconst (Fort Avenue to Cross Street)

Motor Vehicle Fund Appropriation	\$	15,000
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Russell St. Bridge over Gwynns Falls & WM Railroad		
Federal Fund Appropriation	\$	400,000
Motor Vehicle Fund Appropriation	\$	110,000
Patapsco Ave Bridge over the B&O Railroad		
Federal Fund Appropriation	\$	695,000
Motor Vehicle Fund Appropriation	\$	135,000
Perring Pkwy. Bridge over the Herring Run		
Federal Fund Appropriation	\$	240,000
Motor Vehicle Fund Appropriation	\$	66,000
Bentalou St. Bridge over WM Railroad		
Federal Fund Appropriation	\$	98,000
Motor Vehicle Fund Appropriation	\$	19,000
Cedonia Ave Bridge over Moore's Run		
Federal Fund Appropriation	\$	458,000
Motor Vehicle Fund Appropriation	\$	89,000
Waterview Avenue Ramp Realign (Hanover-Eastward)		
Motor Vehicle Fund Appropriation	\$	152,000
Harford Road Widening (20th St. - n. of Broadway)		
Motor Vehicle Fund Appropriation	\$	250,000
Hanover Street Rehabilitation (Montgomery to Wells Street)		
Federal Fund Appropriation	\$	68,000
Motor Vehicle Fund Appropriation	\$	24,000
Belair Road Rehabilitation (Glenmore to n. City Line)		
Federal Fund Appropriation	\$	604,000
Motor Vehicle Fund Appropriation	\$	117,000
Dundalk Ave Rehabilitation (Harwait to O'Donnell)		
Federal Fund Appropriation	\$	502,000
Motor Vehicle Fund Appropriation	\$	97,000
York Road Resurfacing (Tunbridge to n. City Line)		
Federal Fund Appropriation	\$	697,000
Motor Vehicle Fund Appropriation	\$	135,000
York Road Resurfacing (42nd St. to McCabe Avenue)		
Federal Fund Appropriation	\$	649,000
Motor Vehicle Fund Appropriation	\$	126,000
Edison Hwy Rehab (Biddle Street - Erdman Avenue)		
Federal Fund Appropriation	\$	799,000
Motor Vehicle Fund Appropriation	\$	155,000
Ridgewood Avenue Reconstruction (Reisterstown-Daytona)		
Motor Vehicle Fund Appropriation	\$	194,000
Wolfe Street Reconstruction (Alicanna to Fell)		
Motor Vehicle Fund Appropriation	\$	62,000
Eager Street Reconstruction (Fallsway to Broadway)		
Federal Fund Appropriation	\$	160,000
Motor Vehicle Fund Appropriation	\$	32,000
Maisel Street Reconstruction (Wicomico to Severn)		
Motor Vehicle Fund Appropriation	\$	25,000
McHenry Street Reconstruction (Parkin to Amity)		
Motor Vehicle Fund Appropriation	\$	150,000
Residential Street Design		
Motor Vehicle Fund Appropriation	\$	245,000

ORDINANCES

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Biddle Street Rehabilitation (Fallsway to Broadway)		
Federal Fund Appropriation	\$	599,000
Motor Vehicle Fund Appropriation	\$	117,000
Pratt and Light Sts. Contra Flow Lanes		
Motor Vehicle Fund Appropriation	\$	680,000
Eutaw Street Resurfacing (Druid Hill to Mulberry)		
Federal Fund Appropriation	\$	612,000
Motor Vehicle Fund Appropriation	\$	119,000
Erdman Avenue Resurfacing (Belair to Edison)		
Federal Fund Appropriation	\$	127,000
Motor Vehicle Fund Appropriation	\$	24,000
Fallstaff Road (Park Heights—Reisterstown)		
Federal Fund Appropriation	\$	94,000
Motor Vehicle Fund Appropriation	\$	18,000
McCulloh Street (Druid Park—Reisterstown)		
Federal Fund Appropriation	\$	423,000
Motor Vehicle Fund Appropriation	\$	83,000
McMechen Street (McCulloh to Pennsylvania)		
Federal Fund Appropriation	\$	107,000
Motor Vehicle Fund Appropriation	\$	21,000
Mulberry Street Reconstruction (Greene to Charles)		
Federal Fund Appropriation	\$	68,000
Motor Vehicle Fund Appropriation	\$	13,000
Northern Parkway Resurfacing (Alameda—Old Harford)		
Federal Fund Appropriation	\$	835,000
Motor Vehicle Fund Appropriation	\$	306,000
Northern Parkway Resurfacing (Park Heights to JFX)		
Federal Fund Appropriation	\$	835,000
Motor Vehicle Fund Appropriation	\$	306,000
41st St. Resurfacing (Druid Park Drive to Roland Ave.)		
Federal Fund Appropriation	\$	551,000
Motor Vehicle Fund Appropriation	\$	107,000
Clifton Avenue Bridge over Windsor Mill Road		
Federal Fund Appropriation	\$	925,000
Motor Vehicle Fund Appropriation	\$	633,000
Bancroft Road Reconstruction (Wirt-Cross Country)		
Motor Vehicle Fund Appropriation	\$	234,000
Smith Avenue Reconstruction (Newbury Street—n. City Line)		
Federal Fund Appropriation	\$	425,000
Motor Vehicle Fund Appropriation	\$	83,000
Mapping Program		
Motor Vehicle Fund Appropriation	\$	170,000
Clinton Street Reconstruction (Boston Street to Leland Avenue)		
Federal Fund Appropriation	\$	1,056,000
Motor Vehicle Fund Appropriation	\$	387,000
Thames St. Reconstruction (Broadway to Wolfe St)		
Motor Vehicle Fund Appropriation	\$	1,000,000
Camden Street Reconstruction (Eutaw to Howard)		
Federal Fund Appropriation	\$	800,000
Motor Vehicle Fund Appropriation	\$	293,000

Construction Reserve—Highway Program		
Federal Fund Deappropriation	\$	(21,375,000)
Construction Reserve—Highways Major Reconstruction		
Federal Fund Appropriation	\$	4,183,000
Motor Vehicle Fund Appropriation	\$	5,051,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:		
Quarantine Road Landfill Tire Shredder		
Motor Vehicle Fund Appropriation	\$	262,000
Street Resurfacing Reserve Account		
Motor Vehicle Fund Appropriation	\$	2,400,000
Rogers Avenue Resurfacing (Wabash-Reisterstown)		
Federal Fund Appropriation	\$	249,000
Motor Vehicle Fund Appropriation	\$	48,000
Minor Street Rehabilitation/Resurfacing Projects		
Motor Vehicle Fund Appropriation	\$	500,000
Forest Park Avenue Widen (Windsor Mill-Oakland)		
Motor Vehicle Fund Appropriation	\$	500,000
Annapolis Road Resurfacing (Baltimore/Washington Parkway-City Line)		
Federal Fund Appropriation	\$	162,000
Motor Vehicle Fund Appropriation	\$	31,000
Auchentoroly Terrace (Reisterstown-Fulton)		
Federal Fund Appropriation	\$	275,000
Motor Vehicle Fund Appropriation	\$	101,000
Baltimore Street Resurfacing (Front-Kenwood)		
Federal Fund Appropriation	\$	791,000
Motor Vehicle Fund Appropriation	\$	290,000
Caton Avenue Resurfacing (Benson Ave—I-95)		
Federal Fund Appropriation	\$	200,000
Motor Vehicle Fund Appropriation	\$	39,000
Druid Hill Avenue Resurfacing (North to Dolphin)		
Federal Fund Appropriation	\$	263,000
Motor Vehicle Fund Appropriation	\$	51,000
Druid Hill Avenue (Martin Luther King Blvd. to Eutaw Street)		
Federal Fund Appropriation	\$	128,000
Motor Vehicle Fund Appropriation	\$	24,000
Fayette Street Resurfacing (Howard-Broadway)		
Federal Fund Appropriation	\$	835,000
Motor Vehicle Fund Appropriation	\$	306,000
Frankford Avenue Resurfacing (Belair-Radecke)		
Federal Fund Appropriation	\$	371,000
Motor Vehicle Fund Appropriation	\$	72,000
Loch Raven Boulevard Rehabilitation (24th-N City Line)		
Federal Fund Appropriation	\$	170,000
Motor Vehicle Fund Appropriation	\$	33,000
Moravia Park Drive Rehabilitation (Moravia-Pulaski)		
Federal Fund Appropriation	\$	428,000
Motor Vehicle Fund Appropriation	\$	83,000

ORDINANCES

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Patterson Park Avenue (Baltimore-Sinclair)		
Federal Fund Appropriation	\$	30,000
Motor Vehicle Fund Appropriation	\$	6,000
Seven Mile Lane (w. City Line—n. City Line)		
Federal Fund Appropriation	\$	255,000
Motor Vehicle Fund Appropriation	\$	50,000
Winans Way (Edmondson to Franklinton)		
Federal Fund Appropriation	\$	26,000
Motor Vehicle Fund Appropriation	\$	5,000
Highway Yards Rehabilitation		
Motor Vehicle Fund Appropriation	\$	250,000
Construction Reserve—Interstate Joint Development		
Motor Vehicle Fund Appropriation	\$	925,000
Provided that the foregoing Capital Improvement Ap-		
propriations herein made are for the following:		
Canton Playground—Replacement		
Motor Vehicle Fund Appropriation	\$	150,000
I-95 Landscaping/Signing/Barriers		
Motor Vehicle Fund Appropriation	\$	275,000
Wilkens Ave Bridge over the Western MD Railroad		
Motor Vehicle Fund Appropriation	\$	500,000
Construction Reserve—Interstate Construction		
Federal Fund Appropriation	\$	828,000
Motor Vehicle Fund Appropriation	\$	352,000
Provided that the foregoing Capital Improvement Ap-		
propriations herein made are for the following:		
Eastern Avenue Reconstruction (President to Chester)		
Federal Fund Appropriation	\$	828,000
Motor Vehicle Fund Appropriation	\$	352,000
Construction Reserve—Storm Water		
Loan Fund Appropriation	\$	3,980,000
Provided that the foregoing Capital Improvement Ap-		
propriations herein made are for the following:		
Emmart Avenue Drainage System—Construction		
Loan Fund Appropriation	\$	75,000
Liberty/Garrison Storm Drain—Upgrading		
Loan Fund Appropriation	\$	60,000
Merrymount Road Storm Drain—Construction		
Loan Fund Appropriation	\$	70,000
Record Plats—Microfilming		
Loan Fund Appropriation	\$	50,000
Soil Survey—Update		
Loan Fund Appropriation	\$	75,000
Storm Water Drains—Emergency Repairs		
Loan Fund Appropriation	\$	500,000

Bedford Place Storm Drain—Construction	
Loan Fund Appropriation	\$ 250,000
Gwynns Falls/Dead Run Confluence Erosion Control	
Loan Fund Appropriation	\$ 500,000
Maidens Choice Run Erosion Control—Fiscal 86	
Loan Fund Appropriation	\$ 550,000
Dead Run Bank Restoration at Footbridge	
Loan Fund Appropriation	\$ 250,000
Jones Falls Erosion Control—Howard to City Line	
Loan Fund Appropriation	\$ 1,000,000
Herring Run Erosion Control—Mt Pleasant Park	
Loan Fund Appropriation	\$ 600,000
Construction Reserve—Street Lighting	
Motor Vehicle Fund Appropriation	\$ 500,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:	
Street Lights and Poles—Replacement	
Motor Vehicle Fund Appropriation	\$ 500,000
Construction Reserve—Waste Water	
Revenue Bond Fund Appropriation	\$ 7,877,000
Waste Water Utility Fund Appropriation	\$ 1,112,000
Federal Fund Appropriation	\$ 25,140,000
State Fund Appropriation	\$ 4,190,000
County Grant Fund Appropriation	\$ 8,969,000
Provided that the foregoing Capital Improvement Appropriations herein are for the following:	
Combined Sewer Separation, Wallbrook Phase 3	
Revenue Bond Fund Appropriation	\$ 138,000
Back River Advanced Waste Treatment Study	
Revenue Bond Fund Appropriation	\$ 125,000
Federal Fund Appropriation	\$ 1,500,000
State Fund Appropriation	\$ 250,000
County Grant Fund Appropriation	\$ 125,000
Patapsco High Rate Sludge Digester—MODIF	
Revenue Bond Fund Appropriation	\$ 84,000
County Grant Fund Appropriation	\$ 195,000
Back River Dewatering Centrifuges—Install	
Revenue Bond Fund Appropriation	\$ 1,500,000
County Grant Fund Appropriation	\$ 1,000,000
Back River Outfall Sewer—Construction	
Revenue Bond Fund Appropriation	\$ 241,000
County Grant Fund Appropriation	\$ 242,000
Back River Chlorination/Dechlorination Facility—Improvements	
Revenue Bond Fund Appropriation	\$ 1,354,000
Federal Fund Appropriation	\$ 20,822,000
State Fund Appropriation	\$ 3,470,000
County Grant Fund Appropriation	\$ 1,354,000

ORDINANCES

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Back River Conveyance System—Renovations	
Revenue Bond Fund Appropriation	\$ 1,871,000
County Grant Fund Appropriation	\$ 53,000
Mapping Program—Waste Water System	
Waste Water Utility Fund Appropriation	\$ 170,000
Back River Monitoring System—Installation	
Revenue Bond Fund Appropriation	\$ 86,000
Federal Fund Appropriation	\$ 2,818,000
State Fund Appropriation	\$ 470,000
County Grant Fund Appropriation	\$ 86,000
Elimination of Combined House Sewers	
Waste Water Utility Fund Appropriation	\$ 228,000
Small Sewer Extensions and Improvements	
Waste Water Utility Fund Appropriation	\$ 100,000
Back River Filtration Facility—Construction	
Revenue Bond Fund Appropriation	\$ 1,646,000
County Grant Fund Appropriation	\$ 1,646,000
Patapsco Expansion	
Revenue Bond Fund Appropriation	\$ 90,000
County Grant Fund Appropriation	\$ 1,429,000
Annual Improvements Fiscal 1986	
Waste Water Utility Fund Appropriation	\$ 470,000
County Grant Fund Appropriation	\$ 2,640,000
Piers 5 and 6 Sewers—Construction	
Waste Water Utility Fund Appropriation	\$ 200,000
Middle Branch Park Sewer—Installation	
Waste Water Utility Fund Appropriation	\$ 100,000
Infiltration/Inflow Correction Program	
Waste Water Utility Fund Deappropriation	\$ (228,000)
Jones Falls Sewerage System/Pumped Portion	
Revenue Bond Fund Appropriation	\$ 742,000
County Grant Fund Appropriation	\$ 199,000
Extraordinary Capital Projects	
Waste Water Utility Fund Appropriation	\$ 72,000
Construction Reserve—Water	
Revenue Bond Fund Appropriation	\$ 980,000
Water Utility Fund Appropriation	\$ 600,000
Other Special Fund Appropriation	\$ 500,000
County Grant Fund Appropriation	\$ 5,598,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:	
Leakin Park Pump Station—Construction	
County Grant Fund Appropriation	\$ 5,170,000
Druid Lake Chlorinator—Rehabilitation	
Water Utility Fund Appropriation	\$ 142,000
County Grant Fund Appropriation	\$ 58,000
Ashburton Engineering Study	
Revenue Bond Fund Appropriation	\$ 150,000

Piers 5 and 6 Water Lines		
Revenue Bond Fund Appropriation	\$	200,000
Water Supply System - Facilities Improvement		
Water Utility Fund Appropriation	\$	288,000
Watershed Road and Bridge Maintenance		
Revenue Bond Fund Appropriation	\$	630,000
County Grant Fund Appropriation	\$	370,000
Mapping Program - Water Supply System		
Water Utility Fund Appropriation	\$	170,000
Construction Reserve - Water Supply		
Other Special Fund Appropriation	\$	500,000

RECREATION AND PARKS, DEPARTMENT OF

Construction Reserve - Parks

Loan Fund Appropriation	\$	2,000,000
General Fund Appropriation	\$	867,000
Federal Fund Appropriation	\$	2,000,000
State Fund Appropriation	\$	625,000
Other Special Fund Appropriation	\$	400,000
State Open Space Fund Appropriation	\$	250,000

Provided that the foregoing Capital Improvement Appropriations herein made are for the following:

Athletic Fields - Renovation

State Open Space Fund Appropriation	\$	250,000
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Park and Recreation Buildings - Modernization

General Fund Appropriation	\$	150,000
State Fund Appropriation	\$	75,000

Street Tree Planting Program - FY 86

General Fund Appropriation	\$	100,000
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Canton Waterfront Park - Acquisition/Development

General Fund Appropriation	\$	267,000
Federal Fund Appropriation	\$	2,000,000
State Fund Appropriation	\$	350,000

Mount Clare Mansion - Improvements

General Fund Appropriation	\$	50,000
State Fund Appropriation	\$	200,000
Other Special Fund Appropriation	\$	150,000

Baltimore Zoo Improvements, Phase II

Loan Fund Appropriation	\$	1,000,000
Other Special Fund Appropriation	\$	250,000

Leakin/Gwynns Falls Park - Improvements

Loan Fund Appropriation	\$	1,000,000
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Memorial Stadium - General Improvements

General Fund Appropriation	\$	300,000
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Construction Reserve - Recreation

State Open Space Fund Appropriation	\$	750,000
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Provided that the foregoing Capital Improvement Appropriations herein made are for the following:

ORDINANCES

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Paving and Lighting Program – FY 1986		
State Open Space Fund Appropriation	\$	250,000
Swimming Pool Renovation Program		
State Open Space Fund Appropriation	\$	500,000

TRANSIT AND TRAFFIC, DEPARTMENT OF

Construction Reserve

Federal Fund Appropriation	\$	200,000
Motor Vehicle Fund Appropriation	\$	380,000
Provided that the foregoing Capital Improvement Appropriations herein made are for the following:		
Joint-Use Poles – Installation		
Motor Vehicle Fund Appropriation	\$	100,000
Pedestrian Safety Intersection Improvements		
Motor Vehicle Fund Appropriation	\$	100,000
Poncabird Warehouse – Modernization		
Motor Vehicle Fund Appropriation	\$	30,000
Traffic Signal Controllers – Replacement		
Federal Fund Appropriation	\$	200,000
Motor Vehicle Fund Appropriation	\$	150,000

SEC. 2. *And be it further ordained*, That the amounts set forth in Section 1 above designated deappropriations and enclosed in parentheses shall revert to the surpluses of the respective funds and be available for appropriations by this or subsequent ordinances.

SEC. 3. *And be it further ordained*, That no part of the amounts appropriated in this Ordinance of Estimates shall be made available to pay for costs of any capital project not specifically approved through this Ordinance of Estimates or without the prior consent of the City Council; and provided further that no part of the amounts appropriated in this Ordinance of Estimates shall be made available to any agency without the prior approval of the City Council to pay for occupancy, by lease or otherwise, of any facility whose costs exceed the amounts provided in the detail supporting this Ordinance of Estimates.

SEC. 4. The foregoing appropriations and deappropriations in summary consist of:

<i>Fund</i>	<i>Operating</i>	<i>Capital</i>	<i>Total</i>
General	~~\$ 606,075,081~~ \$ 605,964,081	\$ 8,759,000	~~\$ 614,834,081~~ \$ 614,723,081
Education	277,497,601	0	277,497,601
Higher Education	17,462,732	0	17,462,732
Federal Revenue			
Sharing	22,811,000	0	22,811,000
Other Federal	66,748,521	28,532,000	95,280,521
State	108,516,765	19,360,000	127,876,765
Motor Vehicle	93,059,915	20,020,000	113,079,915
Water/Waste Water			
Utilities	98,513,857	1,754,000	100,267,857
Parking Enterprise	2,942,000	0	2,942,000

Other Special	31,079,640	32,515,000*	63,594,640
City Loan	0	25,454,000	25,454,000
	<u>\$1,324,707,112</u>	<u>\$136,394,000</u>	<u>\$1,461,101,112</u>
	<u>\$1,324,596,112</u>		<u>\$1,460,990,112</u>

*Consisting of:

County Grants	\$ 14,567,000
Revenue Bonds & Notes	\$ 8,857,000
M&CC Real Property Account	\$ 33,000
Buildings & Property Owners	\$ 3,475,000
Other Fund Sources	\$ 5,583,000

Approved by the Board of Estimates
May 22, 1985

President

WILLIAM DONALD SCHAEFER,

Mayor

HYMAN AARON PRESSMAN,

Comptroller

FRANCIS W. KUCHTA,

Director of Public Works

BENJAMIN L. BROWN

City Solicitor

BOARD OF ESTIMATES

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 451

(Council No. 834)

AN ORDINANCE concerning

**GENERAL FUND OPERATING APPROPRIATION TRANSFER—
PROMOTION OF EQUAL RIGHTS FOR WOMEN TO
OFFICE OF THE LABOR COMMISSIONER**

FOR the purpose of transferring a general fund operating appropriation in the amount of Four Thousand Two Hundred Dollars (\$4,200) from Promotion of Equal Rights for Women to the Office of the Labor Commissioner to be used by the Office of the Labor Commissioner for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$4,200 was appropriated from general funds for Promotion of Equal Rights for Women operating programs in the fiscal 1985 Ordinance of Estimates, and said \$4,200 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Four Thousand Two Hundred Dollars (\$4,200) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for Promotion of Equal Rights for Women shall be transferred to the office of the Labor Commissioner of Baltimore City. The amount thus made available to the Office of the Labor Commissioner of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 452

(Council No. 835)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER-
CIVIL SERVICE COMMISSION TO COMMUNITY RELATIONS
COMMISSION

FOR the purpose of transferring a general fund operating appropriation in the amount of Thirty Thousand Dollars (\$30,000) from the Civil Service Commission to the Community Relations Commission to be used by the Community Relations Commission for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$30,000 was appropriated from general funds for the Civil Service Commission operating programs in the fiscal 1985 Ordinance of Estimates, and said \$30,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Thirty Thousand Dollars (\$30,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Civil Service Commission shall be transferred to the Community Relations Commission of Baltimore City. The amount thus made available to the Community Relations Commission of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 453

(Council No. 836)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER—
DEPARTMENT OF RECREATION AND PARKS TO
COMMUNITY COLLEGE OF BALTIMORE

FOR the purpose of transferring a general fund operating appropriation in the amount of One Hundred Thousand Dollars (\$100,000) from the Department of Recreation and Parks to the Community College of Baltimore to be used by the Community College of Baltimore for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$100,000 was appropriated from general funds for the Department of Recreation and Parks operating programs in the fiscal 1985 Ordinance of Estimates, and said \$100,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of One Hundred Thousand Dollars (\$100,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Department of Recreation and Parks shall be transferred to the Community College of Baltimore of Baltimore City. The amount thus made available to the Community College of Baltimore of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 454

(Council No. 838)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
OFFICE OF TELECOMMUNICATIONS TO
MUNICIPAL MUSEUM

FOR the purpose of transferring a general fund operating appropriation in the amount of Five Thousand Dollars (\$5,000) from the Office of Telecommunications to the Municipal Museum to be used by the Municipal Museum for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$5,000 was appropriated from general funds for the Office of Telecommunications operating programs in the fiscal 1985 Ordinance of Estimates, and said \$5,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Five Thousand Dollars (\$5,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Office of Telecommunications shall be transferred to the Municipal Museum of Baltimore City. The amount thus made available to the Municipal Museum of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect from the date of its passage.*

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 455

(Council No. 841)

AN ORDINANCE concerning

**GENERAL FUND OPERATING APPROPRIATION TRANSFER—
DEPARTMENT OF FINANCE TO URBAN SERVICES AGENCY**

FOR the purpose of transferring a general fund operating appropriation in the amount of Thirty-two Thousand Dollars (\$32,000) from the Department of Finance to the Urban Services Agency to be used by the Urban Services Agency for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$32,000 was appropriated from general funds for the Department of Finance operating programs in the fiscal 1985 Ordinance of Estimates, and said \$32,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Thirty-two Thousand Dollars (\$32,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Department of Finance shall be transferred to the Urban Services Agency of Baltimore City. The amount thus made available to the Urban Services Agency of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect from the date of its passage.*

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 456

(Council No. 842)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
CIRCUIT COURT FOR BALTIMORE CITY TO ORPHANS' COURT

FOR the purpose of transferring a general fund operating appropriation in the amount of One Thousand Four Hundred Dollars (\$1,400) from the Circuit Court for Baltimore City to the Orphans' Court to be used by the Orphans' Court for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$1,400 was appropriated from general funds for the Circuit Court for Baltimore City operating programs in the fiscal 1985 Ordinance of Estimates, and said \$1,400 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of One Thousand Four Hundred Dollars (\$1,400) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Circuit Court for Baltimore City shall be transferred to the Orphans' Court of Baltimore City. The amount thus made available to the Orphans' Court of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 457

(Council No. 852)

AN ORDINANCE concerning

**GENERAL FUND OPERATING APPROPRIATION TRANSFER—
DEPARTMENT OF SOCIAL SERVICES TO DEPARTMENT OF
TRANSIT AND TRAFFIC**

FOR the purpose of transferring a general fund operating appropriation in the amount of Fifty Thousand Dollars (\$50,000) from the Department of Social Services to the Department of Transit and Traffic to be used by the Department of Transit and Traffic for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI—Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$50,000 was appropriated from general funds for the Department of Social Services operating programs in the fiscal 1985 Ordinance of Estimates, and said \$50,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Fifty Thousand Dollars (\$50,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Department of Social Services shall be transferred to the Department of Transit and Traffic of Baltimore City. The amount thus made available to the Department of Transit and Traffic of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 458

(Council No. 853)

AN ORDINANCE concerning

SUPPLEMENTARY MOTOR VEHICLE FUND OPERATING
APPROPRIATION - DEPARTMENT OF TRANSIT AND TRAFFIC

FOR the purpose of providing a supplementary motor vehicle fund operating appropriation in the amount of One Hundred Thousand Dollars (\$100,000) to the Department of Transit and Traffic to be used for additional operating expenses in Program 231 (Traffic Planning and Engineering).

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Title Excise Tax imposed by the City of Baltimore in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Transit and Traffic pursuant to the provisions of Article VI, Section 2(h)(3) of the 1964 revised Charter of Baltimore City, as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary motor vehicle fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Hundred Thousand Dollars (\$100,000) shall be made available to the Department of Transit and Traffic of the City of Baltimore as a supplementary motor vehicle fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expense in Program 231 (Traffic Planning and Engineering). The amount thus made available as a supplementary motor vehicle fund operating appropriation shall be expended from revenue produced by the Title Excise Tax imposed by the City of Baltimore in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Title Excise Tax shall be the source of revenue for this supplementary motor

vehicle fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 459

(Council No. 854)

AN ORDINANCE concerning

**SUPPLEMENTARY MOTOR VEHICLE FUND OPERATING
APPROPRIATION - DEPARTMENT OF TRANSIT AND TRAFFIC**

FOR the purpose of providing a supplementary motor vehicle fund operating appropriation in the amount of Eighty Thousand Dollars (\$80,000) to the Department of Transit and Traffic to be used for additional operating expenses in Program 234 (Construction and Maintenance of Traffic Signals).

BY authority of

Article VI - Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Title Excise Tax imposed by the City of Baltimore in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Transit and Traffic pursuant to the provisions of Article VI, Section 2(h)(3) of the 1964 revised Charter of Baltimore City, as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary motor vehicle fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the

Charter of Baltimore City as amended, the sum of Eighty Thousand Dollars (\$80,000) shall be made available to the Department of Transit and Traffic of the City of Baltimore as a supplementary motor vehicle fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expenses in Program 234 (Construction and Maintenance of Traffic Signals). The amount thus made available as a supplementary motor vehicle fund operating appropriation shall be expended from revenue produced by the Title Excise Tax imposed by the City of Baltimore in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Title Excise Tax shall be the source of revenue for this supplementary motor vehicle fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 460

(Council No. 855)

AN ORDINANCE concerning

SUPPLEMENTARY MOTOR VEHICLE FUND OPERATING
APPROPRIATION—DEPARTMENT OF TRANSIT AND TRAFFIC

FOR the purpose of providing a supplementary motor vehicle fund operating appropriation in the amount of Seventy Thousand Dollars (\$70,000) to the Department of Transit and Traffic to be used for additional operating expenses in Program 233 (Traffic Signs and Street Markings).

BY authority of

Article VI—Board of Estimates

.Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Title Excise Tax imposed by the City of Baltimore in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Transit and Traffic pursuant to the provisions of Article VI, Section 2(h)(3) of the 1964 revised Charter of Baltimore City, as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a

material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary motor vehicle fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Seventy Thousand Dollars (\$70,000) shall be made available to the Department of Transit and Traffic of the City of Baltimore as a supplementary motor vehicle fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expenses in Program 233 (Traffic Signs and Street Markings). The amount thus made available as a supplementary motor vehicle fund operating appropriation shall be expended from revenue produced by the Title Excise Tax imposed by the City of Baltimore in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Title Excise Tax shall be the source of revenue for this supplementary motor vehicle fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 461

(Council No. 856)

AN ORDINANCE concerning

**SUPPLEMENTARY MOTOR VEHICLE FUND OPERATING
APPROPRIATION - DEPARTMENT OF TRANSIT AND TRAFFIC**

FOR the purpose of providing a supplementary motor vehicle fund operating appropriation in the amount of Fifty Thousand Dollars (\$50,000) to the Department of Transit and Traffic to be used for additional operating expenses in Program 230 (Administrative Direction and Control).

BY authority of
Article VI - Board of Estimates
Section 2(h)(3)
Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Title Excise Tax imposed by the City of Baltimore in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Department of Transit and Traffic pursuant to the provisions of Article VI, Section 2(h)(3) of the 1964 revised Charter of Baltimore City, as amended; and

WHEREAS, the additional sum here appropriated is for a program included in the current principal Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary motor vehicle fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of Fifty Thousand Dollars (\$50,000) shall be made available to the Department of Transit and Traffic of the City of Baltimore as a supplementary motor vehicle fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expenses in Program 230 (Administrative Direction and Control). The amount thus made available as a supplementary motor vehicle fund operating appropriation shall be expended from revenue produced by the Title Excise Tax imposed by the City of Baltimore in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from said Title Excise Tax shall be the source of revenue for this supplementary motor vehicle fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 462

(Council No. 862)

AN ORDINANCE concerning

SUPPLEMENTARY SPECIAL FUND OPERATING
APPROPRIATION - DEPARTMENT OF RECREATION AND PARKS

FOR the purpose of providing a supplementary special fund operating appropriation in the amount of One Hundred Forty-six Thousand Dollars (\$146,000) to the Department of Recreation and Parks to be used for Maritime Museum Pier operations.

BY authority of

Article VI - Board of Estimates

Section 2(h)(2)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents a grant from a public source which could not be expected with reasonable certainty at the time of formulation of the fiscal 1985 Ordinance of Estimates; and

WHEREAS, the supplementary special fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(2) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(2) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Hundred Forty-six Thousand Dollars (\$146,000) shall be made available to the Department of Recreation and Parks of the City of Baltimore as a supplementary special fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of Maritime Museum Pier operations. The amount thus made available as a supplementary special fund operating appropriation shall be expended from Maritime Museum Pier Admission Fees, said sum being specifically allotted to the Mayor and City Council of Baltimore for the aforesaid purpose; and said funds from said Maritime Museum Admission Fees shall be the source of revenue for this supplementary special fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 463

(Council No. 864)

AN ORDINANCE concerning

GENERAL FUND OPERATING APPROPRIATION TRANSFER -
SUPERVISORS OF ELECTIONS TO CITY COUNCIL OFFICE
OF FINANCIAL REVIEW

FOR the purpose of transferring a general fund operating appropriation in the amount of Twenty-six Thousand Dollars (\$26,000) from the Supervisors of Elections to the City Council Office of Financial Review to be used by the City Council Office of Financial Review for additional operating expenses made necessary by a material change in circumstances.

BY authority of

Article VI - Board of Estimates

Section 2(i)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended) provides, that upon recommendation of the Board of Estimates, the City Council by ordinance may authorize the transfer of an appropriation contained in the Ordinance of Estimates from one municipal agency to another municipal agency; and

WHEREAS, the sum of \$26,000 was appropriated from general funds for the Supervisors of Elections operating programs in the fiscal 1985 Ordinance of Estimates, and said \$26,000 is not needed for the purpose for which appropriated and is therefore available for use by another municipal agency; and

WHEREAS, the general fund operating appropriation transfer ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(i) of the Charter of Baltimore City (1964 Revision as amended), the sum of Twenty-six Thousand Dollars (\$26,000) contained in the fiscal 1985 Ordinance of Estimates as a general fund operating appropriation for the Supervisors of Elections shall be transferred to the City Council Office of Financial Review of Baltimore City. The amount thus made available to the City Council Office of Financial Review of Baltimore City as a general fund operating appropriation shall be used for additional operating expenses made necessary by a material change in circumstances.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 464

(Council No. 865)

AN ORDINANCE concerning

**SUPPLEMENTARY SPECIAL FUND OPERATING APPROPRIATION
EMPLOYEES' RETIREMENT SYSTEMS**

FOR the purpose of providing a supplementary special fund operating appropriation in the amount of One Hundred Forty-five Thousand Seventeen Dollars (\$145,017) to the Employees' Retirement Systems to be used for additional operating expenses in Program 152 (Administration, Employees' Retirement Systems).

BY authority of

Article VI—Board of Estimates

Section 2(h)(1)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by the Employees' Retirement Systems in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985 and is therefore available for appropriation to the Employees' Retirement Systems pursuant to the provisions of Article VI, Section 2(h)(1) of said Charter; and

WHEREAS, the supplementary special fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates, said recommendation having been made at a regular meeting of said Board held on the 29th day of May, 1985, all in accordance with Article VI, Section 2(h)(1) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* under the provisions of Article VI, Section 2(h)(1) of the Charter of Baltimore City as amended, the sum of One Hundred Forty-five Thousand Seventeen Dollars (\$145,017) shall be made available to the Employees' Retirement Systems of the City of Baltimore as a supplementary special fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of additional operating expenses in Program 152 (Administration, Employees' Retirement Systems). The amount thus made available as a supplementary special fund operating appropriation shall be expended from revenue produced by the Employees' Retirement Systems in excess of the revenue estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the fiscal year 1985; and said funds from said Employees' Retirement Systems shall be the source of revenue for this supplementary special fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained, That* this ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 465

(Council No. 326)

AN ORDINANCE concerning

REZONING - 1019-1039 HILLEN STREET,
~~424~~ 422-430 EAST STREET, ~~431~~ 427-437 COLVIN STREET

FOR the purpose of changing the zoning for the properties known as 1019-1039 Hillen Street, ~~424~~ 422-430 East Street and ~~431~~ 427-437 Colvin Street from the B-3-2 Zoning District to the M-2-3 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 56

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 56 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the B-3-2 Zoning District to the M-2-3 Zoning District the properties known as 1019-1039 Hillen Street, ~~424~~ 422-430 East Street and ~~431~~ 427-437 Colvin Street, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its passage.

Approved June 26, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 466

(Council No. 731)

AN ORDINANCE concerning

REZONING - 201-231/33, 301-327, and 435-437 E. NORTH AVENUE

FOR the purpose of changing the zoning of the following properties in the Greenmount West Urban Renewal Project: (1) 201-221 and 227-231/33 E. North Avenue from the R-8 to the O-R-2 Zoning District as outlined in red on the plat accompanying this Ordinance; (2) 223 and 225 E. North Avenue from the B-2-2 to the O-R-2 Zoning District as outlined in green on the plat accompanying this Ordinance; (3) 301-327 E. North Avenue from the R-8 to the R-9 Zoning District as outlined in blue on the plat accompanying this Ordinance; and (4) 435 and 437 E. North Avenue from the B-2-3 to the R-8 Zoning District as outlined in yellow on the plat accompanying this Ordinance and repealing Ordinance 1114, approved December 5, 1983.

BY amending Zoning District Maps

Sheet No. 46

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 46 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing the zoning of the following properties in the Greenmount West Urban Renewal Project: (1) 201-221 and 227-231/33 E. North Avenue from the R-8 to the O-R-2 Zoning District as outlined in red on the plat accompanying this Ordinance; (2) 223 and 225 E. North Avenue from the B-2-2 to the O-R-2 Zoning District as outlined in green on the plat accompanying this Ordinance; (3) 301-327 E. North Avenue from the R-8 to the R-9 Zoning District as outlined in blue on the plat accompanying this Ordinance; and (4) 435 and 437 E. North Avenue from the B-2-3 to the R-8 Zoning District as outlined in yellow on the plat accompanying this Ordinance.

SEC. 2. *And be it further ordained*, That Ordinance 1114, approved December 5, 1983 which rezoned the properties at 223-225 E. North Avenue from the R-8 to the B-2-2 Zoning District, effective April 1, 1985, is hereby repealed.

SEC. 3. *And be it further ordained*, That upon passage of this Ordinance by the City Council, as evidence of the authenticity of the plat which is part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 4. *And be it further ordained*, That this Ordinance shall take effect on the date of its enactment.

Approved June 26, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 467

(Council No. 757)

AN ORDINANCE concerning

URBAN RENEWAL - MIDDLE EAST - AMENDMENT NO. 4

FOR the purpose of amending the Urban Renewal Plan for Middle East to, among other things, expand the project boundary easterly to include the 400-600 blocks N. Montford Avenue, the 2400 block E. Monument Street, and the East Monument Street Business Area; expand the Business Area to include several additional blocks; authorize the acquisition of certain properties by the Mayor and City Council of Baltimore; create disposition lots for residential use; designate and/or change the land use of certain properties; provide Exterior Rehabilitation Standards applicable to all non-residential properties within the Business Area; provide an exception to the sandblasting provision; provide a penalty for violation of the requirements concerning sandblasting and the rehabilitation standards; revise certain provisions in the Plan concerning contents of signs, landscape treatment, and inclusion of language prohibiting new ~~general advertising signs~~ ESTABLISHMENTS WHICH SELL ALCOHOLIC BEVERAGES; revise language concerning Zoning to clarify the procedural requirements of the Zoning Ordinance; revise, add and/or delete certain Exhibits and Appendices attached to the Plan to reflect the changes provided herein; waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1983 Replacement Volume) which the Renewal Plan for Middle East may not meet; provide for the severability of the various parts and applications of this Ordinance; provide that where the provisions of this Ordinance shall conflict with any other ordinance, code or regulation, in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for Middle East was first approved by the Mayor and City Council of Baltimore by Ordinance No. 1202, dated November 30, 1979, and amended by Ordinance No. 1094, dated December 1, 1983; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume), no substantial change or changes shall be made in any Renewal Plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a Renewal Plan, namely the preparation of such change or changes

by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Renewal Plan for Middle East make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Middle East; and

WHEREAS, it is necessary and desirable to incorporate within the Middle East Urban Renewal Area, the 400-600 blocks of N. Montford Avenue, the 2400 block E. Monument Street, and the East Monument Street Business Area which is generally bounded by the first alley north of E. Monument Street, N. Montford Avenue on the west, the first alley south of E. Monument Street and N. Chester Street on the east; to expand the Business Area to include several additional blocks; to provide Exterior Rehabilitation Standards applicable to all non-residential properties within the Business Area; authorize the acquisition of certain properties for residential reuse; and to include other changes necessary to update and standardize certain provisions contained in the Urban Renewal Plan; and

WHEREAS, THE MAYOR AND CITY COUNCIL HAVE DETERMINED THAT IT IS NECESSARY AND DESIRABLE FOR THE REDEVELOPMENT OF THE MIDDLE EAST URBAN RENEWAL AREA TO PROHIBIT NEW ESTABLISHMENTS WHICH SELL ALCOHOLIC BEVERAGES; AND

WHEREAS, said amended Renewal Plan has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and its conformity to existing zoning classifications; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That the amended Urban Renewal Plan for Middle East, identified as "URBAN RENEWAL PLAN, MIDDLE EAST . . . revised to include Amendment No. 4, dated March 1, 1985" AND FURTHER REVISED JUNE 17, 1985, is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.*

SEC. 2. *And be it further ordained, That the eastern boundary of the Middle East Urban Renewal Area shall be revised to include the 400-600 blocks N. Montford Avenue, the 2400 block E. Monument Street, and the East Monument Street Business Area, as established under Ordinance 434, dated July 19, 1973, and such areas are hereby subjected to the Middle East Urban Renewal Plan approved by this Ordinance. Therefore, Section 1 of Ordinance 1202, dated November 30, 1979, is hereby amended to read as follows:*

Beginning for the same at the intersection of the north side of Gay Street with the north side of Biddle Street; thence binding on the north side of Biddle Street easterly to intersect the east side of Patterson Park Avenue; thence binding on the east side of Patterson Park Avenue southerly to intersect the [northern boundary of the East Monument Street Business Area as approved by Ordinance No. 434 on July 19, 1973; thence binding on the northern, western and southern boundaries of the East Monument Street Business Area generally westerly, southerly and easterly to intersect the east side of Patterson Park Avenue; thence binding on the east side of Patterson Park Avenue southerly to intersect the north side of Orleans Street; thence binding on the north side of Orleans Street easterly to intersect the east side of Montford Avenue;] *division line between lots LOTS 48 and 49, Ward 7, Section 2, Block 1623; thence binding on the division line between said lots 48 and 49 easterly to intersect the west side of the first 10-foot alley; thence binding on said alley northerly to intersect the division line between lots LOTS 42 and 43, Ward 7, Section 2, Block 1623; thence binding on the division line between said lots LOTS 42 and 43 easterly to intersect the north side of the second 10-foot alley; thence binding on the north side of said alley easterly to intersect the east side of N. Bradford Street; thence binding on the east side of N. Bradford Street southerly to intersect the north side of the third 10-foot alley; thence binding on the north side of said alley easterly to intersect the west side of Milton Avenue; thence binding on the west side of Milton Avenue southerly to intersect the south side of a 6'-9" alley south of East Monument Street; thence binding on the south side of said alley westerly to intersect the west side of a 4'-4" alley; thence binding on the west side of said alley northerly to intersect the south side of a 10-foot alley; thence binding on the south side of said alley westerly to intersect the west side of N. Port Street; thence binding on the west side of N. Port Street northerly to intersect the south side of a 3-foot alley; thence binding on the south side of said alley westerly to intersect the east side of N. Montford Avenue; thence binding on the east side of N. Montford Avenue southerly to intersect the south side of Fayette Street; thence binding on the south side of Fayette Street westerly to intersect the west side of Collington Avenue; thence binding on the west side of Collington Avenue northerly to intersect the north side of Orleans Street; thence binding on the north side of Orleans Street westerly to intersect the east side of Wolfe Street; thence binding on the east side of Wolfe Street northerly to intersect the north side of Jefferson Street; thence binding on the north side of Jefferson Street easterly to intersect the west side of Washington Street; thence binding on the west side of Washington Street northerly to intersect the north side of Monument Street; thence binding on the north side of Monument Street easterly to intersect the west side of Castle Street; thence binding on the west side of Castle Street northerly to intersect the south side of Madison Street; thence binding on the south side of Madison Street westerly to intersect the east side of Broadway; thence binding on the east side of Broadway northerly to the point of beginning.*

SEC. 3. *And be it further ordained, That the expansion of the East Monument Street Business Area to include the 600 blocks N. Collington Avenue, N. Chester and Duncan Streets, the 2100 block McElderry Street, and the 2000 and 2400 blocks E. Monument Street, as contained in the amended Urban Renewal Plan under Appendix B, Section 1., entitled "Properties Within the East Monument*

Street Business Area", and further shown on Exhibits 1-4, dated as revised 3/1/85, are hereby approved.

SEC. 4. *And be it further ordained*, That it is necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to the following properties or portions thereof, together with all right, title, interest and estate that the owner or owners of said property interests may have in all streets, alleys, ways, or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said areas, situate in Baltimore City, Maryland and described as follows:

521-523 N. Bradford Street
524-526 N. Bradford Street
528 N. Bradford Street
530 N. Bradford Street

901-903 N. Chester Street
912 N. Chester Street
930 N. Chester Street
931 N. Chester Street
932 N. Chester Street
933 N. Chester Street
937 N. Chester Street
953 N. Chester Street
968-970 N. Chester Street
971 N. Chester Street

2000 E. Eager Street
2003 E. Eager Street
2022 E. Eager Street
2031 E. Eager Street
2033 E. Eager Street
2034 E. Eager Street
2036 E. Eager Street
2048 E. Eager Street

915 N. Washington Street

SEC. 5. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5 of the Baltimore City Charter, may ~~hereinafter~~ **HEREAFTER** from time to time, designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this Ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Division, person or persons is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation, the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 6. *And be it further ordained*, That certain disposition lots for residential use shall be created, as shown in the amended Urban Renewal Plan on Exhibit 3, Land Disposition Map, dated as revised 3/1/85.

SEC. 7. *And be it further ordained*, That the land uses designated and the land use change indicated for certain properties, as shown in the amended Urban Renewal Plan on Exhibit 1, Land Use Map, dated as revised 3/1/85, are hereby approved.

SEC. 8. *And be it further ordained*, That certain properties located in the 600-700 blocks N. Chester Street, the 600 blocks N. Collington Avenue and Duncan Street, the 2100 block McElderry Street, and the 2000-2400 blocks E. Monument Street shall constitute the East Monument Street Business Area, and the following standards, as contained in Appendix B, Section 2 of the amended Urban Renewal Plan, entitled "Exterior Rehabilitation Standards", shall be applied to all non-residential properties, whether occupied or vacant, within this area:

Over and above the codes and ordinances of the City of Baltimore, the following additional standards shall be applied to all non-residential properties, whether occupied or vacant, within the East Monument Street Business Area. The addresses of properties comprising the East Monument Street Business Area are identified in Section 1 of Appendix B.

a. *Windows*

(1) Windows in non-residential structures not in the front of buildings shall be kept properly repaired or with Fire Department approval, the openings may be closed to match as closely as possible the material, design and finish of the adjacent wall, or with closed shutters, or with a painted wood panel with finished trim around all edges.

(2) All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints, or broken or loose mullions or muntins shall be replaced. All broken and missing windows shall be replaced. All exposed wood shall be repaired and painted.

(3) Window openings on the front of the buildings shall not be filled or boarded-up, except window openings in upper floors may be filled or boarded-up when covered with toned opaque glass or closed shutters.

(4) Windows in unused areas of the upper floors may have an opaque or solid surface as security may require on the inside of the glass. If the building front is redesigned and completely renovated or rebuilt, the trim may be removed and openings reduced or closed under plans approved by the Department of Housing and Community Development.

b. *Building Fronts and Sides*

(1) All structural and decorative elements of building fronts shall be repaired or replaced in a workmanlike manner so as to be harmonious with the original materials and construction of that building.

(2) All cornices of a building shall be made structurally sound. Rotten or weakened portions shall be removed and repaired or replaced to match as closely as possible the existing patterns on that building. All exposed wood shall be painted.

(3) A show window as part of the building facade shall be defined to include:

(a) the building face and the entrance area leading to the door;

(b) the door, sidelights, transoms and all display platforms and devices including lighting and signing designed to be viewed from the public right-of-way and/or the areas visible to the public prior to entering the interior portion of the structure.

Show windows, entrances, signs, lighting, sun protection and other show window elements shall be designed to be compatible and harmonious and consistent with the scale and character of the existing structures.

All exposed portions of security grilles and screens which are painted in normal practice and all portions which require painting to preserve, protect or renovate the surface shall be painted. Non-metal grilles and screens shall be prohibited.

All new and existing screens and grilles over show windows parallel with streets must be constructed so they can be opened or removed, except grilles over transoms and narrow sidelights which may be non-opening subject to the approval of the Department of Housing and Community Development. Such screens and grilles shall be opened or removed during the normal business hours of that business.

(4) Awnings

(a) Rigid awnings or sun screens shall not be placed on any portion of a building except that such fixed awnings or sun screens may be permitted by the Department of Housing and Community Development.

(b) Painted or inlaid signs on cloth awnings are permitted.

(5) The use of formstone, non-ceramic brick, woodshakes, simulated woodshakes, pebble board and aluminum lap siding shall be prohibited in the future on the fronts and sides of buildings facing on a street.

(6) All walls must present a neat finished appearance. Any patches or repairs must match the surrounding materials.

(7) Display of goods shall be restricted to the inside of store premises with the exception of special sales events sponsored by the East Monument Street Merchant's Association and with the permission of the Department of Housing and Community Development.

c. Signs

(1) General

Product advertising or supplier product signs shall be permitted provided such sign or signs in total are no larger than 25% of the area of the allowable sign for the building or 12 square feet, whichever is smaller. All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches and panel boxes shall be concealed from view as much as possible.

(2) Flat Signs

(a) Flat signs shall be placed parallel to the building face and shall not project more than 12" from the surface of the building and shall not exceed in area

three feet times the width in feet of the frontage of the building. In the case of corner properties, each facade is to be calculated separately as to size allowed for each. Except where a continuous permanent canopy exists, flat signs shall be placed no higher than the bottom of the second story window where windows exist or 13 feet above grade level, whichever is lower. Signs shall not be placed in front of SO AS TO OBSTRUCT windows, storefronts or cornices.

(b) A sign shall be permitted at rear entrance doors but shall not exceed six square feet in size.

(c) Where a continuous permanent canopy exists, flat signs may be placed no more than 10 feet above the canopy deck surface, provided the building facade above the canopy has no windows. Additionally, flat signs may be constructed integrally with the fascia of the canopy.

(3) Projecting Signs

(a) Projecting signs shall be permitted under the following guidelines:

i. Existing Signs

Sign areas shall be limited to 1 sq. ft. per each 45 sq. ft. of front face building area (width times height); SIGN AREA FIGURED ON 1 SIDE ONLY.

Projection From Building Face

<i>Front Facade Area</i>	<i>Projection</i>
Up to 2,000 sq. ft.	4'
2,000 sq. ft. to 4,000 sq. ft.	5'
4,000 sq. ft. and above	6'

All existing sign hardware (brackets, hanging mechanisms, frames, etc.) must be painted a neutral color (tan or grey). All existing signs must be brought up to "like new" condition (painted or repaired).

ii. New Signs

Sign areas shall be limited to 1 sq. ft. per each 45 sq. ft. of front facade area (SIGN area figured on 1 side only).

Projection: Up to 2,000 sq. ft. - 4'
2,000 sq. ft. and above - 5'

Mounting Height: Maximum AT TOP EDGE OF SIGN - 15"
Minimum - 10'

All signs shall be double-faced with maximum thickness of 12". Mounting hardware shall not extend beyond sign dimensions (not higher or lower than sign; not wider than sign thickness).

(b) All signs shall be designed to be compatible with the individual building design, as determined by the Department of Housing and Community Development. In no case shall a sign extend above a roof line. No projecting signs shall be permitted above the canopy in the 2200 block of E. Monument Street.

(c) When the existing projecting signs are removed, all unused brackets and conduits shall be removed. Any holes or other damage shall be patched and painted as necessary to match the existing wall surface.

(d) Where a continuous permanent canopy exists, a projecting sign may be mounted under the canopy a minimum of 8'-0" above the mean curb level but shall not extend beyond 2 feet from the soffit. These signs will be centered under the canopy and 12" x 48" in size.

(4) Painted Signs and Cutout Letters

Painted signs on building surfaces or use of separate cutout letters shall be permitted in accordance with the above limits for flat signs.

(5) Secondary Signs

A non-illuminated secondary sign shall be permitted for the upper floors of a building. Such signs shall not exceed one (1) square foot in area and shall not project more than one inch beyond the surface of the building, nor shall they be placed higher than 15 feet above grade level.

(6) Roof Top Signs

Roof top signs, signs above the parapet of a building, except as otherwise herein provided, shall not be permitted.

(7) Flashing or Moving Signs

Flashing or moving signs other than barber poles shall not be permitted.

(8) General Advertising Signs (Billboards and Posterboards)

~~No new general advertising signs (billboards and posterboards) shall be permitted.~~

(9) (8) Non-Conforming Signs

Existing signs not conforming to the above regulations shall not be allowed to remain. All new signs shall conform to the above regulations. No future minor privilege permits for signs shall be approved in the East Monument Street Business Area, except upon certification by the Commissioner of the Department of Housing and Community Development that such signs meet project design criteria.

d. Canopies

In the event a group of property owners, representing more than two-thirds of the frontage of any block or half block within the project area, agree to provide a continuous permanent canopy as described below, then the provisions of such canopy shall become a requirement for the entire block or entire half block as an integral part of these Property Rehabilitation Standards.

Prior to any enforcement of this subparagraph, the East Monument Street Merchant's Association shall transmit to the Department of Housing and Community Development written evidence that a group of property owners repre-

senting more than two-thirds of the frontage of a particular block or half block within the project area agree to provide a continuous permanent canopy, as described below.

(1) In any block or half block where it is a requirement of these Property Rehabilitation Standards, the continuous permanent canopy shall be uniform in design to the greatest possible extent, extend no less than 10'-0" and not more than 11'-0" from the building face into the public sidewalk and shall be supported by metal columns, beams and decks. The canopy shall be designed by the East Monument Street Merchant's Association or their representative and approved by the Department of Housing and Community Development.

(2) The construction of the continuous permanent canopy shall be a joint effort on the part of all affected property owners with all costs shared on a pro rata front footage basis. To facilitate coordination of this effort and to take advantage of economies of scale, one of two approaches may be pursued:

(a) funds shall be paid into a special purpose escrow account with authority to contract the required work residing in the East Monument Street Merchants Association, or

(b) the City of Baltimore shall contract the required work and all subsequent necessary maintenance and assess each affected property owner on a pro rata front footage basis in a manner consistent with the provisions of Article 26 of the Baltimore City Code.

e. Period of Compliance

To the extent that rehabilitation requirements for commercial uses are specifically applicable to the East Monument Street Business Area and are not generally required elsewhere, the work necessary to meet such requirements shall be completed within 18 months from the effective date of this Ordinance, unless extended by the Commissioner of the Department of Housing and Community Development. Thereafter, all work shall be completed in accordance with the date of completion set forth in the notice from the Commissioner.

f. Conformance with Rehabilitation Standards

No work, alterations, or improvements shall be undertaken after enactment of this Ordinance which do not conform with the requirements herein. However, the Commissioner may waive compliance with one or more of these standards if the proposed improvements do not adversely affect the objectives of the East Monument Street Business Area. In the event of a dispute regarding the meaning of any standard or requirement contained in this Ordinance, the Commissioner shall have final and exclusive authority to determine the meaning of said standard or requirement.

SEC. 9. *And be it further ordained*, That the sandblasting provision shall be revised to include an exception, and the following additional language concerning the East Monument Street Business Area, shall be incorporated into said amended Urban Renewal Plan under Section C.2., entitled "Rehabilitation":

"Property rehabilitation shall comply with the codes and ordinances of the City of Baltimore. Cleaning of masonry facades by means of sandblasting shall not be permitted, *except where sandblasting is determined by the Commissioner of the Department of Housing and Community Development to be the only feasible means of surface cleaning and where in the Commissioner's opinion it will not cause damage to historic building materials.*

Over and above the codes and ordinances of the City of Baltimore, the provisions set forth in Appendix B., Section 2, of the Urban Renewal Plan, shall be applied to all non-residential properties within the East Monument Street Business Area, whether occupied or vacant. Specific addressES of properties comprising the East Monument Street Business Area are indicated in Appendix B, Section 1."

SEC. 10. *And be it further ordained*, That any person violating the provisions of Sections 8 and 9 of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. 11. *And be it further ordained*, That the deletion of language relating to the contents of signs and the additional language concerning landscape treatment, as contained in the amended Urban Renewal Plan under Section B.2.a, entitled "Provisions Applicable to All Land and Property to Be Acquired", are hereby approved.

SEC. 12. *And be it further ordained*, ~~That following additional provision concerning new general advertising signs, shall be incorporated into said amended Urban Renewal Plan under Sections B.2.a., entitled "Provisions Applicable to All Land and Property to be Acquired", and B.2.b., entitled "Provisions Applicable to All Land and Property Not to be Acquired":~~ THAT THE FOLLOWING ADDITIONAL PROVISION SHALL BE INCORPORATED INTO SAID AMENDED URBAN RENEWAL PLAN UNDER SECTION B.1.A. ENTITLED "COMMERCIAL":

(1) COMMERCIAL USES PERMITTED SHALL BE THOSE PERMITTED UNDER THE B-1 (NEIGHBORHOOD BUSINESS) B-2 (COMMUNITY BUSINESS) AND B-3 (COMMUNITY COMMERCIAL) USE CATEGORIES OF THE ZONING ORDINANCE OF BALTIMORE CITY. THE ZONING DISTRICTS MAP, EXHIBIT 4, INDICATES THE APPLICABLE ZONING DISTRICTS.

(2) AFTER ENACTMENT OF AMENDMENT NO. 4 TO THE MIDDLE EAST URBAN RENEWAL PLAN NO NEW ESTABLISHMENTS WHICH SELL ALCOHOLIC BEVERAGES SHALL BE PERMITTED IN THE MIDDLE EAST URBAN RENEWAL AREA.

~~"No new general advertising signs (billboards and posterboards) shall be permitted in the Community Business or Community Commercial land use categories, as shown on the Land Use Plan Map, Exhibit 1, after enactment of Amendment No. 4 to this Plan."~~

SEC. 13. *And be it further ordained*, That the revised language contained in the amended Urban Renewal Plan under Section C.6., entitled "Zoning", which clarifies the procedural requirements of the Zoning Ordinance of Baltimore City, is hereby approved.

SEC. 14. *And be it further ordained*, That the following Exhibits and Appendices are hereby approved: Appendix A—Properties for Acquisition and Disposition for Rehabilitation; Appendix B—Section 1: Properties Within the East Monument Street Business Area and Section 2: Exterior Rehabilitation Standards; Exhibit 1, Land Use Plan; Exhibit 2, Property Acquisition; Exhibit 3, Land Disposition; and Exhibit 4, Zoning Districts, all dated as revised 3/1/85 AND FURTHER REVISED 6/17/85.

SEC. 15. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 16. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 17. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any urban renewal, zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 18. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 26, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 468

(Council No. 805)

AN ORDINANCE concerning

INDUSTRIAL DEVELOPMENT REVENUE REFUNDING BONDS
(ROCKLAND INDUSTRIES INTERNATIONAL PAPER PROJECT)
AND INDUSTRIAL DEVELOPMENT REVENUE BONDS
(ROCKLAND EXPANSION PROJECT)

FOR the purpose of (a) APPROVING, AND authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its revenue bonds, in the aggregate principal amount not exceeding \$5,000,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purposes of (i) refunding an amount not to exceed \$2,375,000 of the Baltimore City, Maryland Industrial Development Revenue Bonds (Rockland Industries International Paper Project) 1982 Series in the original principal amount of \$2,550,000, issued on July 16, 1982, (THE "ORIGINAL BONDS") pursuant to Ordinance Nos. 473 and 534 approved by the Mayor of the City on October 14, 1981, and November 3, 1981, respectively, THE PROCEEDS OF WHICH ORIGINAL BONDS WERE USED TO ACQUIRE AN EXISTING 335,000 SQ. FT. BUILDING AND LAND LOCATED AT 1601 EDISON HIGHWAY TO BE OWNED AND USED BY ROCKLAND INDUSTRIES, INC. (THE "BORROWER") AS A TEXTILE MANUFACTURING, DISTRIBUTION, AND OFFICE FACILITY, and (ii) financing, in an amount not to exceed \$2,800,000, the costs of renovating and expanding the ~~original Rockland Industries International Paper Project~~, PROJECT FINANCED WITH THE ORIGINAL BONDS, to be known as the Rockland Expansion Project; which shall consist of and include (1) the renovation of a building of approximately 335,000 square feet located at 1601 Edison Highway, (2) the acquisition and installation therein of such machinery and equipment, and any and all other improvements thereto, as may be necessary or useful in connection with the operation of the BORROWER'S business of ~~Rockland Industries, Inc. (the "Borrower")~~, and (iii) (3) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access and other necessary site preparation facilities, WHICH RENOVATED BUILDING, MACHINERY, EQUIPMENT, AND OTHER IMPROVEMENTS AND INTERESTS IN LAND WILL BE OWNED BY THE BORROWER AND USED IN ITS BUSINESS OF MANUFACTURING AND DISTRIBUTING TEXTILES; (b) authorizing the Mayor of the City, on the City's behalf, to accept the letter of intent dated April 23, 1985, from the Borrower to the City; (c) making certain legislative findings; (d) authorizing and empowering the City's Board of Finance (the "Board") by one or more resolutions adopted before the issuance, sale and delivery of any series of the bonds, to (i) prescribe, among other things but not limited to, the forms, terms, provisions, manner or method of issuing and selling the bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of the bonds, and (ii) do any and all things necessary, proper or expedient in connection with the issuance and sale of the bonds; (e) authorizing the Board to adopt one or more

supplemental resolutions for certain purposes; (f) providing that the bonds must be issued and sold during 1985, unless the Board approves one twelve-month extension as provided in this Ordinance; and (g) generally providing for and determining various matters and details in connection with the issuance and sale of the bonds.

RECITALS

Article II, subsection (50) of the Charter of Baltimore City (1964 Revision), as amended (hereinafter referred to as the "Enabling Law"), empowers the Mayor and City Council of Baltimore (hereinafter referred to as the "City") to borrow money to finance undertakings for the accomplishment of any of the City's purposes, objects and powers and in connection therewith to issue bonds, notes or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (b) the revenues from or arising in connection with any contracts, mortgages or other securities, purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations. The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in the City of Baltimore, Maryland, encouraging the increase of industry and a balanced economy therein promoting economic development therein, and promoting the health, welfare and safety of the residents thereof.

The City received a letter of intent dated October 9, 1981 from Rockland Industries, Inc., a Maryland corporation (the "Borrower"), requesting the City to authorize the issuance and sale of its revenue bonds, up to the amount of \$2,550,000. Pursuant to Ordinance Nos. 437 and 534, approved by the Mayor on October 14, 1981 and November 3, 1981, respectively (the "Original Ordinances") and a Bond Resolution of the Board of Finance of the City, adopted on April 26, 1982, the City issued and sold on July 16, 1982, its \$2,550,000 Baltimore City, Maryland Industrial Development Revenue Bonds (Rockland Industries International Paper Project) (the "Outstanding Bond"). The outstanding principal balance of the Outstanding Bond was \$2,380,967.19 as of May 13, 1985.

BY A SUPPLEMENTAL LETTER DATED JUNE 5, 1985 (THE "SUPPLEMENTAL LETTER") THE BORROWER HAS EXPRESSED ITS INTENTION TO MAKE ITS BEST EFFORTS TO USE MINORITY FIRMS, AS DEFINED IN SECTION 8-601 OF ARTICLE 21 OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, IN THE CONSTRUCTION OF THE ROCKLAND EXPANSION PROJECT OR THE PROVISION OF SUPPLIES OR SERVICES WITH THE PROCEEDS OF THE BONDS.

The City has received a letter of intent dated April 23, 1985 (hereinafter referred to as the "Letter of Intent") from the Borrower, pursuant to which the Borrower has requested the City to participate in the refunding of the Outstanding Bond and finance the costs of renovating and expanding the Rockland In-

dustries International Paper Project by issuing and selling the City's revenue bonds in an aggregate principal sum not exceeding \$5,000,000 (hereinafter referred to as the "Bonds"), and by making the proceeds of the Bonds available to the Borrower for the sole and exclusive purposes of refunding an amount not to exceed \$2,375,000 of the Outstanding Bond and financing an amount not to exceed \$2,800,000 for the costs of renovating and expanding the Rockland Industries International Paper Project (referred to herein as the Rockland Expansion Project).

The Rockland Industries International Paper Project financed with the proceeds of the Outstanding Bond consists generally of (a) an interest in land located at 1601 Edison Highway, Baltimore, Maryland 21213, (b) certain improvements consisting of, among other things, a building containing approximately 335,000 square feet being used as a textile manufacturing, distribution and office facility (the "Building"), (c) machinery and equipment, and other improvements, necessary and useful in connection with the operation of the Rockland Industries International Paper Project.

The Rockland Expansion Project will consist generally of (a) the renovation of the Building located in AT 1601 EDISON HIGHWAY, Baltimore City, Maryland; (b) the acquisition and installation therein of such machinery and equipment, and any and all other improvements thereto, as may be necessary or useful in connection with the operations and business of the Borrower; and (c) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access and other necessary site preparation facilities. The Borrower which was the original owner and operator of the Rockland Industries International Paper Project, will OWN AND operate the Rockland Expansion Project as a renovated and expanded textile manufacturing, distribution, and office facility.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (hereinafter referred to as the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuance and selling the Bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

THE TAXATION AND FINANCE COMMITTEE OF THE CITY COUNCIL HELD A PUBLIC HEARING, PURSUANT TO NOTICE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY, FOR THE PURPOSE OF APPRISING AFFECTED RESIDENTS OF THE CITY OF THE PROPOSED ISSUANCE OF THE BONDS AND ALLOWING SUCH RESIDENTS TO APPEAR AND BE HEARD CONCERNING THE ISSUANCE OF THE BONDS AND THE LOCATION AND NATURE OF THE PROJECTS DESCRIBED HEREIN (THE "PROJECTS"). MAYOR AND CITY COUNCIL OF BALTIMORE HAS DETERMINED FOLLOWING SUCH PUBLIC HEARING, THAT THE ISSUANCE OF THE BONDS TO FINANCE THE PROJECTS IS IN THE PUBLIC INTEREST AND FOR A PUBLIC PURPOSE AND BY THIS ORDINANCE HAS GIVEN ITS APPROVAL THERETO.

NOW, THEREFORE, IN ACCORDANCE WITH THE PROVISIONS OF THE ENABLING LAW,

SEC. 1. *Be it ordained by the Mayor and City Council of Baltimore*, That acting pursuant to the provisions of the Enabling Law, it is hereby found and determined that:

(1) The issuance and sale of the Bonds by the City pursuant to the provisions of the Enabling Law in order to make the proceeds thereof available for the purposes of refunding the Outstanding Bond and financing the costs of the Rockland Expansion Project (including the expenses of issuance of the Bonds and interest with respect to the Bonds during the first three years from the date of issue of the Bonds) will further the public purposes described in the Original Ordinances and will facilitate and expedite the completion of the Rockland Expansion Project by the Borrower.

(2) The refunding of the Outstanding Bond and financing the completion of the Rockland Expansion Project, as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law and the Original Ordinances by (a) sustaining and increasing jobs and employment in the City of Baltimore, (b) promoting economic development therein, and (c) encouraging the increase of industry and a balanced economy therein.

(3) The Bonds shall not be general obligations of the City, shall not be a pledge of or involve the City's faith and credit or taxing power, and shall not constitute a debt of the City, all within the meaning of the provisions of Article XI, Section 7 of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the City's bonds, notes or other obligations. The Bonds shall be limited obligations of the City, shall be fully negotiable, and shall be payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the Rockland Industrial International Paper Project and the Rockland Expansion Project, (b) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, and (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, all as the Board may approve by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds.

(4) BASED ON INFORMATION PROVIDED TO THE CITY BY THE BORROWER, THE CITY HAS CONSIDERED (A) THE AVAILABILITY OR FEASIBILITY OF CONVENTIONAL FINANCING ON REASONABLE TERMS TO FINANCE THE PROJECTS, (B) THE COMPETITIVE EFFECT OF THE ISSUANCE OF THE BONDS ON OTHER BUSINESS ENTITIES CONDUCTING BUSINESS ACTIVITIES SIMILAR TO THOSE OF THE BORROWER WITHIN THE JURISDICTION OF THE CITY, AND (C) THE NECESSITY FOR THE ISSUANCE OF THE BONDS FOR COMPETITIVE ECONOMIC DEVELOPMENT PURPOSE TO ENSURE JOB OPPORTUNITIES AND TO PROVIDE FOR A SUFFICIENT TAX BASE.

SEC. 2. *And be it further ordained*, That the City is hereby APPROVES AND IS authorized and empowered to issue and sell, at any time or from time to time

and in one or more series, as limited obligations of the City and not upon its full faith and credit, its revenue bonds in an aggregate principal sum not exceeding \$5,000,000, subject to the provisions of this Ordinance. The proceeds of the Bonds shall be made available to the Borrower under terms and conditions approved by the Board and set forth in a resolution, and shall be used for the purposes of refunding the Outstanding Bond in an amount not to exceed \$2,375,000, and financing the costs of the Rockland Expansion Project in an amount not to exceed \$2,800,000.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City (herein referred to as the "Mayor") is hereby authorized to accept the Letter of Intent on the behalf of the City to further evidence the present intent of the City to issue the Bonds in accordance with the provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That as permitted by the Enabling Law, the Board is hereby authorized and empowered, by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds to:

(1) prescribe, among other things but not limited to, the form, designation, terms, provisions, manner or method of issuing and selling the Bonds (including one or more negotiated or competitive bid sales), the time or times of their issuance, and any and all other details of the Bonds and their issuance and sale (including provisions for the adjustment of the rate of interest after their issuance and sale);

(2) approve (a) the City's pledge or assignment of any of the security described by the provisions of Section 6 hereof, pursuant to a trust agreement or similar agreement, (b) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (c) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(3) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to refund the Outstanding Bond and finance the costs of the Rockland Expansion Project; and

(4) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That the Board is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Sections 4 hereof, and thereby to approve any amendments or supplements to or substitutes for the forms and provisions of the Bonds, any trust agreement or similar agreement and all other documents approved by such resolution or resolutions, provided that each such supplemental resolution and each such amendment, supplement or substitute shall be in accordance with the provisions of the Enabling Law and this Ordinance.

SEC. 6. *And be it further ordained*, That the Bonds shall not be general obligations of the City, shall not be a pledge of or involve the City's faith and credit or taxing power, and shall not constitute a debt of the City, all within the meaning of the provisions of Article XI, Section 7 of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the bonds, notes or other obligations of the City. The Bonds shall be limited obligations of the City, shall be fully negotiable, and shall be payable, as to both principal and interest, solely from and secured solely by a pledge of any one or more of (a) the revenues from or arising in connection with the Rockland Industries International Paper Project and the Rockland Expansion Project, (b) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (c) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, all as the Board may approve by one or more resolutions adopted before the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, or his alternate, by his manual or facsimile signature. At least one signature required or permitted to be placed on the bonds shall be manually subscribed, if the bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the bonds may be executed by facsimile. The trust agreement or similar agreement and all other documents approved by the resolution or resolutions referred to in the provision of Section 4 hereof, and any and all amendments thereto approved by a resolution referred to in the provisions of Section 5 hereof, shall be executed in the name of the City and on its behalf by the Mayor by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the custodian of the City Seal, or his alternate, by his manual or facsimile signature. In case any officer whose signature or a facsimile thereof shall appear on the Bonds or any of the said documents shall cease to be such officer before the delivery of the Bonds or any other such document, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, as if such officer had remained in office until delivery. The Mayor, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the resolutions referred to in the provision of Sections 4 and 5 hereof to be necessary to carry out and comply with the provisions hereof.

SEC. 8. *And be it further ordained*, That the Borrower shall agree that:

(a) the Borrower will submit any plans and specifications for the Rockland Expansion Project to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development

may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) the Borrower and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design with respect to the Rockland Expansion Project.

SEC. 9. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part thereof is inapplicable has been specifically exempted therefrom.

SEC. 10. *And be it further ordained*, That the Bonds must be issued and sold during 1985, provided, that the Board, after a showing of good cause at a public hearing held before the Board before or after the expiration of 1985, may extend the period during which the Bonds may be issued and sold for an additional term not exceeding twelve (12) months from December 31, 1985. The Board, in its sole discretion and without action by the City Council of the City, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council of the City. To the extent that the bonds are issued and sold pursuant to this Ordinance, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 11. *And be it further ordained*, That the portion of the Bonds used to refund the outstanding Bond is not intended to be a "Private Activity Bond" within the meaning of Section 103(n)(7) of the Internal Revenue Code of 1954, as amended (hereinafter referred to as the "Code").

SEC. 12. *And be it further ordained*, That, as required by Section 103(n)(12)(A) of the Code with respect to that portion of the Bonds used to finance the costs of financing the Rockland Expansion Project, the City Council of the City, by its passage of this Ordinance, and the Mayor of the City, by his approval of this Ordinance, hereby collectively certify under the penalty of perjury that any allocation by the City of any State volume limitation in the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State of Maryland, its agencies and subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further ordained*, That this Ordinance shall take effect from the date of its approval by the Mayor.

Approved June 26, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 469

(Council No. 807)

AN ORDINANCE concerning

ECONOMIC DEVELOPMENT REVENUE BONDS –
(BARBARA G. HETTMAN FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$945,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Barbara G. Hettleman, of a certain facility in Baltimore City consisting of the acquisition of a 1.75 acre tract of land located to the rear of 1620 Bush Street in Baltimore City, the construction of a building of approximately 20,000 square feet thereon, the renovation of an existing building located at 1620 Bush Street in Baltimore City, and the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, to be owned by Barbara G. Hettleman, and leased to The Southern Galvanizing Company, a Maryland corporation, for use as a processing facility in the business of hot dip galvanizing; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 3, 1985 from Barbara G. Hettleman to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Barbara G. Hettleman shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, but in no event later than December 31, 1985, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the ac-

complishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated May 3, 1985 (the "Letter of Intent") from Barbara G. Hettleman (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$945,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility by the Borrower.

The Letter of Intent expresses the Borrower's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code, imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 4 hereof.

The Facility, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of (a) the acquisition of a tract of land containing approximately 1.75 acres, located to the rear of 1620 Bush Street in Baltimore City, (b) the construction of a building of approximately 20,000 square feet thereon, (c) the renovation of an existing building located at 1620 Bush Street in Baltimore City, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Facility will be owned by the Borrower and leased to The Southern Galvanizing Company, a Maryland corporation (the "Facility User") for use as a processing facility in the business of hot dip galvanizing.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Facility will facilitate and expedite the completion of the Facility by the Borrower.

(2) The completion of the Facility by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; (d) enabling the Facility User to maintain its industrial operations in the City; and (e) creating up to seventeen new jobs.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

(4) Based on information provided to the City by the Borrower, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Borrower and the Facility User within the City, and (c) the necessity for the issuance of the Bonds for competitive economic purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$945,000, subject to the provisions of this Ordinance. The proceeds of the

Bonds will be made available to the Borrower under terms and conditons approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City intends that the enactment of this Ordinance shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Ordinance, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the adoption of a resolution by the Board, as described in Section 5(a) below, the Borrower does so at its own risk.

SEC. 4. *And be it further ordained*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and state laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Law, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Law and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 4, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Facility; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 6. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

-(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 8. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, is-

suings agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 9. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 10. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

- (a) approve the issuance of such bond anticipation notes;
- (b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;
- (c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;
- (d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the pro-

ceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Facility; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, under such terms as may be approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 11. *And be it further ordained*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Ordinance, by such vote, and the Mayor of the City, by his approval of this Ordinance, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 12. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, but in no event later than December 31, 1985; provided, however, that the Board, after a showing of

good cause at a public hearing before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 14. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 26, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 470

(Council No. 814)

AN ORDINANCE concerning

**INVESTMENT POWERS OF THE BOARD OF TRUSTEES OF
THE MCDONOGH EDUCATIONAL FUND AND INSTITUTE**

FOR the purpose of increasing the investment powers of the Board of Trustees of the McDonogh Educational Fund and Institute.

BY repealing and reordaining with amendments

Article 1 – Mayor, City Council, and Municipal Agencies

Subtitle – McDonogh Educational Fund and Institute

Section 62

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, the Trustees of The McDonogh Educational Fund and Institute now have power to sell or otherwise dispose of any property or investments within The McDonogh Educational Fund and Institute except for certain land and the school plant now located at McDonogh, Maryland; and

WHEREAS, it is the desire of the Trustees of The McDonogh Educational Fund and Institute to have the same powers with respect to that land and school plant as they do with all other property and investments within the said Trust; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended to read as follows:

Article 1 – Mayor, City Council, And Municipal Agencies McDonogh Educational Fund and Institute

62. The Trustees of The McDonogh Educational Fund and Institute shall have power with respect to all property [except the land and school plant now located at McDonogh, Maryland,] which may have been heretofore or which may hereafter be granted, transferred, delivered to, or otherwise vested in the Mayor and City Council of Baltimore for the Trustees of The McDonogh Educational Fund and Institute or in said McDonogh Fund and Institute to invest and reinvest the same and to change the investments thereof, with full power to sell or otherwise dispose of any of such property or investments from time to time so held, said powers to include, but not by way of limitation, the power to invest monies in their control, or possession in the securities of the United States, of states, counties, and municipalities, in mortgages, corporate bonds, notes, or other securities, real estate and ground rents, and they shall make the selection in such manner as will in their judgment afford safe productive investments for the funds in their hands.

SEC. 2. *And be it further ordained*, That this Ordinance shall take effect on the date of passage.

Approved June 26, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 471

(Council No. 449)

AN ORDINANCE concerning

OBSTRUCTING TRAFFIC

FOR the purpose of increasing the penalty for obstructing traffic.

BY repealing and reordaining with amendments

Article 31 – Transit and Traffic

Subtitle – Parking and Stopping Fines, Penalties and Procedures

Section 152(c)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 – TRANSIT AND TRAFFIC

Parking and Stopping Fines, Penalties and Procedures

152. Parking and stopping fines.

Within the limits of the City of Baltimore the following parking and stopping fines are imposed in addition to the costs stipulated in the Annotated Code of Maryland:

(c) Obstructing or impeding the free flow of traffic shall be a violation punishable by a fine of [\$30.00] ~~\$75.00~~ \$50.00.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on ~~the 30th day after the date of its enactment~~ SEPTEMBER 1, 1985.

Approved June 28, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 472

(Council No. 590)

AN ORDINANCE concerning

CITY STREET—CLOSING WILKES LANE EXTENDING FROM
N. CALVERT STREET WESTERLY TO THE END THEREOF AND A
PORTION OF ST. PAUL STREET, DISTANT 92.35 FEET SOUTHERLY
FROM FAYETTE STREET AND EXTENDING SOUTHERLY 29 FEET,
MORE OR LESS

FOR the purpose of condemning and closing Wilkes Lane, extending from Calvert Street, Westerly 226.5 feet, more or less, to the end thereof, and a portion of St. Paul Street, contiguous to the east side thereof, distant 92.35 feet southerly from the south side of Fayette Street and extending Southerly 29 feet, more or less, and lying within the area of the Financial District Urban Renewal Project in accordance with a plat thereof numbered 343-A-15E prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Third (3rd) day of December, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works, be, and they are hereby authorized and directed to condemn and close Wilkes Lane, extending from Calvert Street, Westerly 226.5 feet, more or less, to the end thereof, and a portion of St. Paul Street, contiguous to the east side thereof, distant 92.35 feet southerly from the south side of Fayette Street and extending Southerly 29 feet, more or less, and lying within the area of the Financial District Urban Renewal Project the street and the portion thereof hereby directed to be condemned for said closing being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Wilkes Lane, 24 feet wide, and the west side of Calvert Street, varying in width, and running thence binding on the south side of said Wilkes Lane, Westerly 226.6 feet, more or less, to the westernmost extremity of said Wilkes Lane; thence binding on the westernmost extremity of said Wilkes Lane, Northerly 24 feet, more or less, to the north side of said Wilkes Lane; thence binding on the north side of said Wilkes Lane, Easterly 226.5 feet, more or less, to the west side of said Calvert Street and thence binding on the west side of said Calvert Street, Southerly 24 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at a point on the east side of St. Paul Street, varying in width, distant 92.35 feet southerly, measured along the east side of said St. Paul Street from the south side of Fayette Street, varying in width, and running thence binding on the east side of said St. Paul Street, the two following courses and distances; namely, South $03^{\circ}-49'-57''$ East 26.33 feet and South $02^{\circ}-45'-54''$ West 3.06 feet and thence by a straight line, North $03^{\circ}-08'-47''$ West 29.38 feet to the place of beginning.

the said Wilkes Lane and a portion of St. Paul Street as directed to be condemned being delineated and particularly shown on a plat numbered 343-A-15E which was filed in the Office of the Department of Public Works on the Third (3rd) day of December, in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of

Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said Wilkes Lane and a portion of St. Paul Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 28, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 473

(Council No. 660)

AN ORDINANCE concerning

REZONING—2809 BOSTON STREET

FOR the purpose of changing the zoning for the property known as 2809 Boston Street from the M-3 Zoning District to the B-3-2 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 68

Article 30—Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 68 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the M-3 Zoning District to the B-3-2 Zoning District the property known as 2809 Boston Street, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved June 28, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 474

(Council No. 675)

AN ORDINANCE concerning

CITY STREET-OPENING PEARL STREET

FOR the purpose of condemning and opening Pearl Street, extending from Fayette Street, North 02°-03'-45" West 262 feet, more or less, to a 16 foot alley in accordance with a plat thereof numbered 345-A-6A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-eighth (28th) day of January, 1985.

BY authority of

Article I-General Provisions

Section-4

Article II-General Provisions

Sections-2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and open Pearl Street, extending from Fayette Street, North 02°-03'-45" West 262 feet, more or less, to a 16 foot alley the said Pearl Street hereby directed to be condemned for said opening being described as follows:

Beginning for the same at the point formed by the intersection of the north side of Fayette Street, as now laid out 66 feet wide and the west side of Pearl Street, as now laid out 60 feet wide, and running thence binding on the west side of said Pearl Street, North $02^{\circ}-03'-45''$ West 261.88 feet to the south side of a 16 foot alley, laid out 55 feet south of Lexington Street, as now laid out 66 feet wide; thence binding on the line of the south side of said 16 foot alley if projected easterly, North $87^{\circ}-00'-30''$ East 60.01 feet to intersect the east side of said Pearl Street; thence binding on the east side of said Pearl Street, South $02^{\circ}-03'-45''$ East 261.83 feet to the north side of said Fayette Street and thence binding on the north side of said Fayette Street, South $86^{\circ}-57'-56''$ West 60.01 feet, to the place of beginning.

The said Pearl Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 345-A-6A which was filed in the Office of the Department of Public Works on the Twenty-eighth (28th) day of January in the year 1985, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said Pearl Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 28, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 475

(Council No. 748)

AN ORDINANCE concerning

CITY PROPERTY - SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell at either public or private sale all of the interest of the Mayor and City Council of Baltimore in and to a certain parcel of vacant land located at the Southeast corner of Allendale Street & West Franklin Street (Block 2285, Portion of Lot Number 23), Baltimore, Maryland, said parcel of vacant land being no longer needed for public use.

BY authority of

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of vacant land situate in Baltimore, Maryland, and described as follows:

Southeast corner of Allendale Street and West Franklin Street (Block 2285, Portion of Lot Number 23)

Beginning for the same at the southeast corner of Allendale Street, 66 feet wide, and the South side of West Franklin Street, 60 feet wide, running thence and binding on the South side of West Franklin Street North 87 degrees 21 minutes 45 seconds East 105.00 feet, thence continuing on said line on the south side of West Franklin, now closed by City Ordinance, North 87 degrees 21 minutes 45 seconds East 86.95 feet, thence leaving said line South 2 degrees 38 minutes 15 seconds East 10.00 feet and South 87 degrees 21 minutes 45 seconds West 192.00 feet to the East side of Allendale Street, herein referred to, thence binding on the East side of Allendale Street, North 2 degrees 21 minutes 15 seconds West 10.00 feet to the place of beginning.

Containing 0.0441 acres of land more or less.

Subject to a 10 foot Utility Easement and described as follows:

Beginning for the same on the South side of West Franklin Street, 60 feet wide, and the first line of the above described parcel of land, at the distance of 101.58 feet measured northeasterly from the beginning of said first line, running thence and binding on said first line North 87 degrees 21 minutes 45 seconds East 3.42 feet to the end of said first line, thence binding on the second line, North 87 degrees 21 minutes 45 seconds East 7.00 feet, thence leaving said line South 19 degrees 00 minutes 00 seconds East 10.42 feet to intersect the fourth line of the above described parcel of land, thence binding on

said line South 87 degrees 21 minutes 45 seconds West 10.42 feet; thence leaving said line, North 19 degrees 00 minutes 00 seconds West 10.42 feet to the place of beginning.

All courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

Said property being no longer needed for public use.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved June 28, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 476

(Council No. 817)

AN ORDINANCE concerning

TO LEVY AND COLLECT A TAX

FOR the use of the Mayor and City Council of Baltimore for the period July 1, 1985 through June 30, 1986.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That for the period July 1, 1985 through June 30, 1986, a tax of Six Dollars (\$6.00) be and the same is hereby levied and imposed on every One Hundred Dollars (\$100.00) of assessed or assessable value of property in the City of Baltimore (excepting such property as may by provision of law be exempted from this rate) for the use of the Mayor and City Council of Baltimore, and said tax shall be collected and paid in the manner prescribed by law.

SEC. 2. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 477

(Council No. 98)

AN ORDINANCE concerning

IMPOUNDING AREA - MONROE STREET

FOR the purpose of repealing the impounding area on the west side of Monroe Street from Washington Boulevard to Wicomico Street.

BY adding

Article 31 - Transit and Traffic

Subtitle - Impounding Area

Section 113(4a)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Ordinance 895, approved February 22, 1983, providing for impounding on the west side of Monroe Street from Washington Boulevard to Wicomico Street is hereby repealed.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 478

(Council No. 330)

AN ORDINANCE concerning

SIGNS - POSTING ON PUBLIC PROPERTY AS DEFINED

FOR the purpose of repealing provisions of Article 19 of the Baltimore City Code concerning Advertising Signs; defining certain terms; prohibiting posting of signs on public property, as defined, and on defined property of public utilities; authorizing the Department of Public Works and a public utility to remove illegally posted signs; providing for liability for costs of sign removal and repairs; authorizing the Director of the Department of Public Works to adopt regulations concerning sign removal relative to public property; requiring regulations to contain certain provisions with regard to costs of sign removal and repairs, and certain reporting requirements; making certain persons responsible for the costs of sign removal; requiring a political candidate to sign a certain statement; providing criminal penalties; and generally relating to the posting of signs on public property and property of public utilities.

BY repealing and reenacting with amendments

Article 19

Section 1

Baltimore City Code (1983 Replacement Volume)

To be under a new subtitle, "Signs—Posting on Public Property as Defined.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That the Baltimore City Code (1983 Replacement Volume) be added, repealed, or amended to read as follows:*

[ADVERTISING SIGNS

1. Advertising Signs.

(a) Any person or corporation who in any manner paints, puts or fixes any advertisement, sign, notice or other writing or printing other than notices in pursuance of law, on or to any stone, tree, fence, stump or pole which is in or upon the public right of way, or upon any building or other structure which is owned by the City, without first obtaining permission from the City, or who in any manner procures, directs, or induces the painting, fixing or placing of any advertisement or sign as aforesaid, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$10 nor more than \$50 for each separate offense.

(b) In addition to any fine imposed, every person convicted of violating this section shall pay the City a sum sufficient to cover the cost of labor and material used by the City in removing any sign, notice or other writing and the cost of repairing any damage done by the painting or posting.

(c) For the purpose of enforcing this section, the presence of any advertisement, sign, notice, or other writing, other than a notice posted pursuant to law, upon the public right of way, upon a city-owned building or structure, upon any bridgeway over or utility pole in the public right of way, or upon any property provided for the convenience of passengers in a transit loading zone, constitutes prima facie evidence that it was printed, placed, fixed or erected at the direction of, or with the consent and approval of, the party or his agent or representative in the City whose name, business, location, or merchandise is advertised thereon.]

SIGNS—POSTING ON PUBLIC PROPERTY AS DEFINED

1. Signs—Posting on Public Property ~~as Defined~~

(A) DEFINITIONS

(1) "PERSON" means any political candidate, registered political committee, person, firm, partnership, association, corporation, company, organization or other entity of any kind;

(2) "SIGN" includes any bill, poster, placard, handbill, flyer, painting, sign, notice, advertisement or other similar object or matter which contains printed or written matter in words, symbols or pictures or any combination thereof; and

(3) "CITY" means the Mayor and City Council of Baltimore.

(B) POSTING ~~IN DEFINED PLACES~~ PROHIBITED

It is unlawful for any person to post, place, or affix a sign:

(1) On any building owned, leased or controlled by the City;

(2) On or within the confines of any public park, recreation area, or other ~~type of~~ landscaped grounds owned or operated by the City, or upon any flagpole or tree owned by the City;

(3) On any traffic-control sign or device, including but not limited to, stoplights and their standards, stop signs, yield signs, one-way street signs, or any other ~~type~~ sign or device which directs traffic or controls traffic signals, or on the supporting post of such sign or device;

(4) Which in any way blocks the view of a traffic-control sign or device by motorists or pedestrians in such a manner as to create a hazard;

(5) Which in any way poses a hazard to motorists, pedestrians or cyclists, or ~~protruding~~ PROTRUDES into a street or sidewalk in such a manner as to interfere with the safe passage of the public; ~~and~~

(6) On any other property owned, leased or controlled by the City; ~~and~~ OR

(7) On any property, building or right-of-way owned, leased, or controlled by a public utility.

(7) ON ANY POLE, BUILDING OR PROPERTY OF WHATEVER NATURE OWNED, LEASED OR CONTROLLING BY A PUBLIC UTILITY WHERE THE SAME IS LOCATED WITHIN OR ON ANY PUBLIC STREET, ALLEYWAY OR ANY OTHER PUBLIC PROPERTY.

(C) REMOVAL OF ILLEGAL SIGNS

(1) The Department of Public Works is authorized to remove any sign posted in violation of Subsection (B)(1) through (6).

(2) A public utility is authorized to remove any sign posted in violation of Subsection B(7).

(D) LIABILITY FOR COSTS OF REMOVAL OF ILLEGALLY POSTED SIGNS

Any person who ~~illegally~~ posts a sign in violation of Subsection (B) shall be liable to the City or to the public utility for the costs of removal of the sign and for any expense for repairing damage done by the sign removal. In the case of violations relating to City property, the Director of the Department of Public Works shall adopt regulations to provide for the removal of illegal signs. The regulations shall include charges to be assessed any person for the costs of removal of illegal signs and repairing of damages. The regulations shall also include provisions that require the Director to report:

1. The name of the person or corporation represented on the material removed;

2. *The number of advertisements, signs, notices, or other writing or printing removed;*
3. *The location of the material; and*
4. *From what type of structure the material was removed.*

(E) PERSONS RESPONSIBLE

(1) In the case of a political campaign, a candidate for any office and the chairman and treasurer of any registered political committee shall be presumptively liable for the costs of sign removal imposed by Subsection (D), PROVIDED THAT THE CANDIDATE OR THE COMMITTEE WAS RESPONSIBLE FOR THE PRINTING OF THE SIGN. If such liability is contested, the burden of overcoming the presumption is on the contesting party. A candidate for public office, shall, at the time of filing with the Board of Supervisors of Elections for such candidacy, sign a written statement which ~~sets out~~ ACKNOWLEDGES THE CANDIDATE'S RESPONSIBILITIES UNDER the provisions of this subtitle. Failure to sign such a statement shall not effect the liability of the candidate for the penalties AND COSTS provided for in this subtitle.

(2) In all other cases, it shall be presumed that the person whose name, event, business, location or merchandise which is written on the sign shall be liable to the City or to a THE public utility for the charges imposed by Subsection (D), and the burden of overcoming the presumption is on the contesting party.

(F) CRIMINAL VIOLATION

Any person who posts a sign in violation of Subsection (B) shall be guilty of a misdemeanor and upon conviction shall pay a fine not to exceed Five Hundred Dollars (\$500) for each posted sign.

SEC. 2. *Be it further ordained, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof is inapplicable had been specifically exempted herefrom.*

SEC. 3. *And be it further ordained, That this Ordinance shall take effect from the date of its passage.*

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 479

(Council No. 490)

AN ORDINANCE concerning

CITY PROPERTY – SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to that part of certain parcels of land being a part of Loch Raven ~~Reservoir~~ WATERSHED, Baltimore County, which parcels are no longer needed for public purpose.

BY authority of

Article V – Comptroller

Section 5 (b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale TO THE STATE HIGHWAY ADMINISTRATION in accordance with Article V (Section 5 (b)) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to those parcels of land situate in Baltimore County Maryland, described as follows.

Fee Simple Area – Parcel No. 1:

Beginning for the first (1st) at a point in the southeasterly existing right of way line of Md. Rte. 146 (Dulaney Valley Road), said point of beginning being the intersection of the aforementioned southeasterly existing right of way line (Md. Rte. 146 – Dulaney Valley Rd.) and the northwesterly existing right of way line of Seminary Avenue

Said point of beginning being situate 17.95 feet measured at right angles to the right of station 43+06.42 of the base line of right of way (Md. Rte. 146 – Dulaney Valley Road), as said base line of right of way is delineated on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45633, recorded or intended to be recorded among the Land Records of Baltimore County; running thence and binding along the aforementioned southeasterly existing right of way line (Md. Rte. 146 – Dulaney Valley Rd.), N 12° 59' 55" E 71.97 feet to intersect the northeasterly right of way line or the connection between Md. Rte. 146 (Dulaney Valley Road) and Seminary Avenue, running thence and binding thereon, S 42° 42' 28" E 83.19 feet to intersect the aforementioned southeasterly existing right of way line (Seminary Avenue), running thence and binding thereon the following two (2) courses and distances, viz.: (1) by a curve to the right having a radius of 240.00 feet for a distance of 16.80 feet, said curve being subtended by a chord bearing S 81° 23' 49" W for a chord distance of 16.79 feet, thence (2) S 83° 24' 04" W 56.39 feet to the place of beginning.

Containing: 2,490 square feet plus or minus and being further described on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45633, recorded or intended to be recorded among the Land Records of Baltimore County.

Being part of the land which by deed recorded August 3, 1922, among the Land Records of Baltimore County in Liber W.P.C. No. 558 Folio 413, was conveyed by the Elkridge Hounds, Inc., to Mayor and City Council of Baltimore.

Fee Simple Area—Parcel No. 2:

Beginning for the second (2nd) at a point in the southeasterly right of way line of Md. Rte. 146 (Dulaney Valley Road) leading from Towson to Loch Raven, said point of beginning being the intersection of the aforementioned southeasterly right of way line (Md. Rte. 146—Dulaney Valley Road) and the southeasterly existing right of way line of Md. Rte. 146 (Dulaney Valley Road)

Said point of beginning being situate 18.03 feet measured at right angles to the right of station 46+00 of the base line of right of way (Md. Rte. 146—Dulaney Valley Rd.), as said base line of right of way is delineated on the State Highway Administration-State Roads Commission of Maryland's plats numbered 45633, 45634, and 45635, recorded or intended to be recorded among the Land Records of Baltimore County; running thence and binding along the aforementioned southeasterly existing right of way line (Md. Rte. 146—Dulaney Valley Rd.) the following two (2) courses and distances, viz.: (1) N 12° 59' 55" E 250.02 feet, thence (2) N 12° 56' 25" E 1101.27 feet to intersect the aforementioned southeasterly right of way line (Md. Rte. 146—Dulaney Valley Road), running thence and binding thereon the following forty-one (41) courses and distances, viz.: (1) S 80° 08' 58" E 26.45 feet, thence (2) S 12° 08' 26" W 50.04 feet, thence (3) S 13° 17' 02" W 50.09 feet, thence (4) S 13° 17' 02" W 50.09 feet, thence (5) S 12° 08' 27" W 50.04 feet, thence (6) S 13° 09' 14" W 54.52 feet, thence (7) S 44° 37' 52" E 35.51 feet, thence (8) S 13° 01' 16" W 12.00 feet, thence (9) N 44° 37' 52" W 35.51 feet, thence (10) S 13° 01' 16" W 136.00 feet, thence (11) S 11° 20' 11" W 34.01 feet, thence (12) S 76° 58' 43" E 26.00 feet, thence (13) S 13° 01' 16" W 10.00 feet, thence (14) N. 76° 58' 43" W 26.00 feet, thence (15) S 12° 30' 34" W 112.00 feet, thence (16) S 76° 58' 43" E 22.09 feet, thence (17) S 13° 01' 16" W. 10.00 feet, thence (18) N 76° 58' 43" W 22.00 feet, thence S 13° 01' 16" W 141.00 feet, thence (20) N 74° 16' 53" E 35.36 feet, thence (21) S 08° 15' 27" W 12.04 feet, thence (22) S 75° 02' 30" W 36.24 feet, thence (23) S 13° 01' 16" W 81.00 feet, thence (24) S 14° 10' 01" W. 50.01 feet, thence (25) S 14° 10' 01" W 50.01 feet, thence (26) S 14° 10' 01" W 50.01 feet, thence (27) S 15° 17' 13" W 50.01 feet, thence (28) S 16° 24' 58" W 50.09 feet, thence (29) S 16° 24' 58" W 44.08 feet, thence (30) S 77° 01' 22" E 33.80 feet, thence (31) S 19° 15' 35" W 10.06 feet, thence (32) N 77° 01' 02" W 33.22 feet, thence (33) S 15° 16' 23" W 31.02 feet, thence (34) N 87° 17' 33" E 33.28 feet, thence (35) S 19° 15' 35" W 12.07 feet, thence (36) S 88° 35' 00" W 32.17 feet, thence (37) S 17° 33' 23" W 27.09 feet, thence (38) S 77° 01' 02" E 49.00 feet, thence (39) S 17° 24' 54" W 129.38 feet, thence (40) N 77° 01' 02" W 51.00 feet, thence (41) S 14° 08' 27" W 48.01 feet to the place of beginning.

Containing: 39,684 square feet plus or minus and being further described on the State Highway Administration-State Roads Commission of Maryland's

plats numbered 45633, 45634 and 45635, recorded or intended to be recorded among the Land Records of Baltimore County.

Being part of the land which by deed recorded August 3, 1922, among the Land Records of Baltimore County in Liber W.P.C. No. 558 Folio 413, was conveyed by the Elkridge Hounds, Inc. to the Mayor and City Council of Baltimore.

Parcel No. 3 Easement Area

Beginning for the first (1st) at a point in the southeasterly right of way line of Md. Rte. 146 (Dulaney Valley Rd.) leading from Towson to Loch Raven, said point of beginning being the intersection of the aforementioned southeasterly right of way line (Md. Rte. 146 - Dulaney Valley Rd.) and the southwesterly limit of Perpetual Easement for Outlet Ditch, hereby established,

Said point of beginning being situate 68.06 feet measured at right angles to the right of station 48+46 of the base line of right of way (Md. Rte. 146 - Dulaney Valley Road), as said base line of right of way is delineated on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45634, recorded or intended to be recorded among the Land Records of Baltimore County; running thence and binding on the aforementioned southeasterly right of way line (Md. Rte. 146 - Dulaney Valley Road), N 19° 15' 35" E 10.06 feet to intersect the northeasterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon, S 77° 01' 02" E 30.00 feet to intersect the southeasterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon, S 13° 33' 19" W 10.00 feet to intersect the aforementioned southwesterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon, N 77° 01' 02" W 31.00 feet to the place of beginning.

Containing: 305 square feet plus or minus and being delineated as "Perpetual Easement for Outlet Ditch - Parcel No. 1" on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45634, recorded or intended to be recorded among the Land Records of Baltimore County.

Being part of the land which by deed recorded August 3, 1922, among the Land Records of Baltimore County in Liber W.P.C. No. 558 Folio 413, was conveyed by The Elkridge Hounds, Inc., to Mayor and City Council of Baltimore.

Beginning for the second (2nd) at a point in the southeasterly right of way line of Md. Rte. 146 (Dulaney Valley Road) leading from Towson to Loch Raven, said point of beginning being the intersection of the aforementioned southeasterly right of way line (Md. Rte. 146 - Dulaney Valley Road) and the northwesterly limit of Perpetual Easement for Outlet Ditch, hereby established

Said point of beginning being situate 77.00 feet measured at right angles to the right of station 52+60 of the base line of right of way (Md. Rte. 146 - Dulaney Valley Road), as said base line of right of way is delineated on the State Highway Administration-State Roads Commission of Maryland's

plat numbered 45634, recorded or intended to be recorded among the Land Records of Baltimore County; running thence and binding along the aforementioned northwesterly limit of Perpetual Easement for Outlet Ditch, hereby established, N 76° 27' 22" E 15.65 feet to intersect the northeasterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon, S 16° 02' 00" E 10.30 feet to intersect the southeasterly limit of Perpetual Easement for Outlet Ditch hereby established, running thence and binding thereon, S 73° 57' 59" W 20.59 feet to intersect the aforementioned southeasterly right of way line (Md. Rte. 146 – Dulaney Valley Road), running thence and binding thereon, N 08° 15' 27" E 12.04 feet to the place of beginning.

Containing: 193 square feet plus or minus, and being delineated as "Perpetual Easement for Outlet Ditch – Parcel No. 2" on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45634, recorded or intended to be recorded among the Land Records of Baltimore County.

Being part of the land which by deed recorded August 3, 1922, among the Land Records of Baltimore County in Liber W.P.C. No. 558 Folio 413, was conveyed by the Elkridge Hounds, Inc., to Mayor and City Council of Baltimore.

Beginning for the third (3rd) at a point in the southeasterly right of way line of Md. Rte. 146 (Dulaney Valley Road) leading from Towson to Loch Raven, said point of beginning being the intersection of the aforementioned southeasterly right of way line (Md. Rte. 146 – Dulaney Valley Road) and the northeasterly limit of Perpetual Easement for Outlet Ditch, hereby established,

Said point of beginning being situate 68.00 feet measured at right angles to the right of station 53+94 of the base line of right of way (Md. Rte. 146 – Dulaney Valley Road), as said base line of right of way is delineated on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45635, recorded or intended to be recorded among the Land Records of Baltimore County; running thence and binding along the aforementioned northeasterly limit of Perpetual Easement for Outlet Ditch, hereby established, S 76° 58' 43" E 15.00 feet to intersect the southeasterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon, S 13° 01' 16" W. 10.00 feet to intersect the southwesterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon, N 76° 58' 43" W 15.00 feet to intersect the aforementioned southeasterly right of way line (Md. Rte. 146 – Dulaney Valley Road), running thence and binding thereon, N 13° 01' 16" E 10.00 feet to the place of beginning.

Containing: 150 square feet plus or minus and being delineated as "Perpetual Easement for Outlet Ditch – Parcel No. 3" on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45635, recorded or intended to be recorded among the Land Records of Baltimore County.

Being part of the land which by deed recorded August 3, 1922, among the Land Records of Baltimore County in Liber W.P.C. No. 558 Folio 413, was conveyed by the Elkridge Hounds, Inc. to Mayor and City Council of Baltimore.

Beginning for the fourth (4th) at a point in the southeasterly right of way line of Md. Rte. 146 (Dulaney Valley Road) leading from Towson to Loch Raven, said point of beginning being the intersection of the aforementioned southeasterly right of way line (Md. Rte. 146—Dulaney Valley Road) and the northeasterly limit of Perpetual Easement for Outlet Ditch, hereby established,

Said point of beginning being situate 71.00 feet measured at right angles to the right of station 55+16 of the base line of right of way (Md. Rte. 146—Dulaney Valley Road), as said base line of right of way is delineated on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45635, recorded or intended to be recorded among the Land Records of Baltimore County; running thence and binding along the aforementioned northeasterly limit of Perpetual Easement for Outlet Ditch, hereby established, S 76° 58' 43" E 20.00 feet to intersect the southeasterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon, S 13° 01' 16" W 10.00 feet to intersect the southwesterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon, N 76° 58' 43" W 20.00 feet to intersect the aforementioned southeasterly right of way line (Md. Rte. 146—Dulaney Valley Road), running thence and binding thereon, N 13° 01' 16" E 10.00 feet to the place of beginning.

Containing: 200 square feet plus or minus and being delineated as "Perpetual Easement for Outlet Ditch—Parcel No. 4" on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45635, recorded or intended to be recorded among the Land Records of Baltimore County.

Being part of the land which by deed recorded August 3, 1922, among the Land Records of Baltimore County in Liber W.P.C. No. 558 Folio 413, was conveyed by the Elkridge Hounds, Inc. to Mayor and City Council of Baltimore.

Beginning for the fifth (5th) at a point in the southeasterly right of way line of Md. Rte. 146 (Dulaney Valley Road) leading from Towson to Loch Raven, said point of beginning being the intersection of the aforementioned southeasterly right of way line (Md. Rte. 146—Dulaney Valley Road) and the northeasterly limit of Perpetual Easement for Outlet Ditch, hereby established,

Said point of beginning being situate 74.00 feet measured at right angles to the right of station 56+79 of the base line of right of way (Md. Rte. 146—Dulaney Valley Road), as said base line of right of way is delineated on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45635, recorded or intended to be recorded among the Land Records of Baltimore County; running thence and binding along the aforementioned northeasterly limit of Perpetual Easement for Outlet Ditch, hereby established, S 43° 17' 19" E 21.63 feet to intersect the southeasterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon, S 13° 01' 16" W 12.00 feet to intersect the southwesterly limit of Perpetual Easement for Outlet Ditch, hereby established, running thence and binding thereon N 43° 17' 19" W 21.63 feet to intersect the aforementioned southeasterly right of way line (Md. Rte. 146—Dulaney Valley Road), running thence and binding thereon, N 13° 01' 16" E 12.00 feet to the place of beginning.

Containing: 216 square feet plus or minus and being delineated as "Perpetual Easement for Outlet Ditch-Parcel No. 5" on the State Highway Administration-State Roads Commission of Maryland's plat numbered 45635, recorded or intended to be recorded among the Land Records of Baltimore County.

Being part of the land which by deed recorded August 3, 1922, among the Land Records of Baltimore County in Liber W.P.C. No. 558 Folio 413, was conveyed by the Elkridge Hounds, Inc. to Mayor and City Council of Baltimore.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this Ordinance will take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 480

(Council No. 491)

AN ORDINANCE concerning

CITY PROPERTY - SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to that certain parcel of land and improvements no longer needed for public purpose, known as 2304 N. Charles Street, Baltimore City, Maryland, Block 3623, Lot 34.

BY authority of
Article V - Comptroller
Section 5 (b)
Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V (Section 5 (b)) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore City, Maryland, and described as follows:

Beginning for the same on the west side of Charles Street at the distance of 44 feet north from the northwest corner of Charles and 23rd Streets, and run-

ning thence north binding on the west side of Charles Street 16 feet 6 inches to the center of the partition wall between the house on the lot now being described and the house on the lot adjoining on the north, thence west through the center of said partition wall and continuing the same direction in all 135 feet to the east side of a 2-foot alley there situate, thence south binding on the east side of said alley 16 feet 6 inches, and thence east 135 feet to the place of beginning. Also known as Ward 12, Section 6, Block 3623, Lot 34; 2304 N. Charles Street.

SEC. 2. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this Ordinance will take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 481

(Council No. 589)

AN ORDINANCE concerning

CITY STREET—OPENING WILKES LANE EXTENDING FROM
N. CALVERT STREET WESTERLY TO THE END THEREOF AND A
PORTION OF ST. PAUL STREET, DISTANT 92.35 FEET SOUTHERLY
FROM FAYETTE STREET AND EXTENDING SOUTHERLY 29 FEET,
MORE OR LESS

FOR the purpose of condemning and opening Wilkes Lane, extending from Calvert Street, Westerly 226.5 feet, more or less, to the end thereof, and a portion of St. Paul Street, contiguous to the east side thereof, distant 92.35 feet southerly from the south side of Fayette Street and extending Southerly 29 feet, more or less, and lying within the area of the Financial District Urban Renewal Project in accordance with a plat thereof numbered 343-A-15D prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Third (3rd) day of December, 1984.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works, be, and they are hereby authorized and

directed to condemn and open Wilkes Lane, extending from Calvert Street, Westerly 226.5 feet, more or less, to the end thereof, and a portion of St. Paul Street, contiguous to the east side thereof, distant 92.35 feet southerly from the south side of Fayette Street and extending Southerly 29 feet, more or less, and lying within the area of the Financial District Urban Renewal Project the street and the portion thereof hereby directed to be condemned for said opening being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the south side of Wilkes Lane, 24 feet wide, and the west side of Calvert Street, varying in width, and running thence binding on the south side of said Wilkes Lane, Westerly 226.6 feet, more or less, to the westernmost extremity of said Wilkes Lane; thence binding on the westernmost extremity of said Wilkes Lane, Northerly 24 feet, more or less, to the north side of said Wilkes Lane; thence binding on the north side of said Wilkes Lane, Easterly 226.5 feet, more or less, to the west side of said Calvert Street and thence binding on the west side of said Calvert Street, Southerly 24 feet, more or less, to the place of beginning.

Beginning for Parcel No. 2 at a point on the east side of St. Paul Street, varying in width, distant 92.35 feet southerly, measured along the east side of said St. Paul Street from the south side of Fayette Street, varying in width, and running thence binding on the east side of said St. Paul Street, the two following courses and distances; namely South $03^{\circ}49'-57''$ East 26.33 feet and South $02^{\circ}-45'-54''$ West 3.06 feet and thence by a straight line, North $03^{\circ}-08'-47''$ West 29.38 feet to the place of beginning.

the said Wilkes Lane and a portion of St. Paul Street as directed to be condemned being delineated and particularly shown on a plat numbered 343-A-15D which was filed in the Office of the Department of Public Works on the Third (3rd) day of December, in the year 1984, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said Wilkes Lane and a portion of St. Paul Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 482

(Council No. 628)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE
DRIVE-IN RESTAURANT WITH A DRIVE THROUGH WINDOW—
2833-45 SISSON STREET

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 2833-45 Sisson Street, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 6.3-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 2833-45 Sisson Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 483

(Council No. 638)

AN ORDINANCE concerning

RESIDENTIAL PERMIT PARKING PROGRAM

FOR the purpose of amending the definition of residential area in order to include Little Italy and giving the boundaries of the area known as Little Italy.

BY repealing and reordaining with amendments

Article 31 - Transit and Traffic

Subtitle - Residential Permit Parking Program

Section 156 (b)(1)

Baltimore City Code (1983 Replacement Volume, as amended)

BY adding

Article 31 - Transit and Traffic

Subtitle - Residential Permit Parking Program

Section 156(i)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 - TRANSIT AND TRAFFIC

Residential Permit Parking Program

156. Residential Permit Parking Program.

(b) Definitions. For the purposes of this Section the following terms shall have the meanings listed below:

(1) "Residential area or district" shall mean a contiguous or nearly contiguous area containing public streets and highways or parts thereof primarily abutted by residential property or residential and non-business property including but not limited to schools, parks, churches, hospitals, and nursing homes, which is:

a. Within an area zoned as a residence district; or

b. Within an area subject to a recorded master plan for subdivision and development into an area to be zoned as a residence district, where at least fifty percent (50%) of the development sites have been leased or conveyed to developers, rehabilitators, restorers or occupants with lease or deed or disposition agreement restrictions limiting improvements thereon to residential uses only, where at least fifty percent (50%) of the planned development has been completed, and where at least fifty percent (50%) of the planned improvements are in fact used and occupied as residences; or

c. *Within the area known as "Little Italy" as defined in Section 156(i) of this subtitle;*

(i) *Little Italy area.* (1) *The Little Italy area is that area included within the outer limits of Pratt Street, Central Avenue, ~~Fleet Street~~ DUKER ALLEY and President Street.*

(2) THE RESIDENTIAL PERMIT PARKING PROGRAM FOR THIS AREA SHALL PROVIDE PERMITS FOR THE BUSINESSES LOCATED WITHIN THE AREA TO THE SAME EXTENT THEY ARE PROVIDED TO THE RESIDENTS.

(3) THE HOURS DURING WHICH PARKING WILL BE RESTRICTED SHALL BE BETWEEN 8:00 A.M. AND 8:00 P.M., UNLESS THE COMMISSIONER DETERMINES THAT THE STATE OF PARKING CONGESTION REQUIRES A CHANGE IN THESE HOURS.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 484

(Council No. 669)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE
DRIVE-IN RESTAURANT WITH A DRIVE THROUGH WINDOW—
3110 HOLLINS FERRY ROAD

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 3110 Hollins Ferry Road, as outlined in red on the AMENDED plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 6.3-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 3110 Hollins Ferry Road, as outlined in red on the AMENDED plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 485

(Council No. 676)

AN ORDINANCE concerning

CITY STREET—CLOSING PEARL STREET

FOR the purpose of condemning and closing Pearl Street at and above elevation 86.0 feet and extending from Fayette Street, North 02°-03'-45" West 262 feet, more or less, to a 16 foot alley in accordance with a plat thereof numbered 345-A-6B, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Twenty-eighth (28th) day of January, 1985.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close Pearl Street at and above elevation 86.0 feet and extending from Fayette Street, North 02°-03'-45" West 262 feet, more or less, to a 16 foot alley the said Pearl Street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the north side of Fayette Street, as now laid out 66 feet wide and the west side of Pearl Street, as now laid out 60 feet wide, and at a horizontal plane having an eleva-

tion of 86.0 feet and extending to an elevation of unlimited height and running thence binding on the west side of said Pearl Street, North 02°-03'-45" West 261.88 feet to the south side of a 16 foot alley, laid out 55 feet south of Lexington Street, as now laid out 66 feet wide; thence binding on the line of the south side of said 16 foot alley, if projected easterly, North 87°-00'-30" East 60.01 feet to intersect the east side of said Pearl Street; thence binding on the east side of said Pearl Street, South 02°-03'-45" East 261.83 feet to the north side of said Fayette Street and thence binding on the north side of said Fayette Street, South 86°-57'-56" West 60.01 feet, to the place of beginning.

The said Pearl Street as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 345-A-6B which was filed in the Office of the Department of Public Works on the Twenty-eighth (28th) day of January in the year 1985, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to

said property and to all subsurface structures and appurtenances used by it therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said Pearl Street and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 486

(Council No. 718)

AN ORDINANCE concerning

ZONING – APPROVAL FOR CONDITIONAL USE
OPEN OFF-STREET PARKING AREA

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property known as 4501 Edmondson Avenue as outlined in red on the plats accompanying this ordinance.

BY authorizing
Article 30 – Zoning
Sections 6.2-1d and 11.0-6d
Baltimore City Code (1984 Replacement Volume)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property known as 4501 Edmondson Avenue as outlined in red on the plats accompanying this ordinance, under the provisions of Section 6.2-1d and 11.0-6d of Article 30 of the Baltimore City Code (1984 Replacement Volume) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 487

(Council No. 736)

AN ORDINANCE concerning

STREET ENCROACHMENT—2326 CAMBRIDGE STREET

FOR the purpose of authorizing the construction and maintenance of masonry steps not more than 36 inches from the east wall of 2326 Cambridge Street.

BY authority

Article 32—Building Code of Baltimore City.

Section 310.2

Building Code of Baltimore City, 1982, as amended

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the construction and maintenance of masonry steps not more than 36 inches from the east wall of the improvements known as 2326 Cambridge Street on the Wagner Street side of the building is hereby authorized. Except as specifically provided in this ordinance, all ordinances and rules and regulations of the Mayor and City Council shall be complied with in the construction and use of said structure.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 488

(Council No. 737)

AN ORDINANCE concerning

CHANGE OF STREET NAME

FOR the purpose of changing the name of Horseradish Alley to Salisbury Alley.

BY authority of

Article II—General Powers

Section (34)(f)

Baltimore City Charter (1964 Revision, as amended)

Article VII—Executive Departments

Section 42(f)

Baltimore City Charter (1964 Revision, as amended)

Article 27—Surveys

Sections 18-22

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That the name of Horseradish Alley, an alley north of East Lombard Street between Exeter Street and Lloyd Street, be and it is hereby changed, and that said Horseradish Alley shall hereafter be known as Salisbury Alley.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 489

(Council No. 742)

AN ORDINANCE concerning

PRESERVATION DISTRICT—UPTON

FOR the purpose of providing that the area located within certain described boundaries shall be the Upton Historical and Architectural Preservation District.

BY adding

Article 1—Mayor, City Council and Municipal Agencies

Subtitle—Commission for Historical and Architectural Preservation

Section 40(oo)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:*

ARTICLE 1 – MAYOR, CITY COUNCIL AND MUNICIPAL AGENCIES

Commission for Historical and Architectural Preservation

40. Created, powers, duties.

(oo) Upton Historical and Architectural Preservation District: Beginning for the same at the intersection of the northeast side of Druid Hill Avenue and the southeast side of McMechen Street; thence binding on the southeast side of McMechen Street northeasterly to intersect the southwest side of McCulloh Street; thence binding on the southwest side of McCulloh Street southeasterly to intersect the northwest side of Mosher Street; thence binding on the northwest side of Mosher Street southwesterly to intersect the southwest side of Stoddard Alley; thence binding on the southwest side of Stoddard Alley southeasterly to intersect the northwest side of a 10 foot alley 80 feet southeast of Mosher Street and running parallel to Mosher Street; thence binding on the northwest side of said alley southwesterly to intersect the northeast side of Druid Hill Avenue; thence binding on the northeast side of Druid Hill Avenue northwesterly to the point of beginning.

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the 30th day after the date of its enactment.*

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 490

(Council No. 752)

AN ORDINANCE concerning

ZONING – APPROVAL FOR CONDITIONAL USE PARKING LOT – HAMILTON AVENUE NORTHWEST OF 5700-5710 BELAIR ROAD

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property known as Hamilton Avenue northwest of 5700-5710 Belair Road, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 – Zoning

Sections 4.5-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property known as Hamilton Avenue northwest of 5700-5710 Belair Road, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.5-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 491

(Council No. 761)

AN ORDINANCE concerning

PARKING - RESERVED
FENWICK AVENUE

FOR the purpose of providing for reserved parking on the west side of Fenwick Avenue for Afton Donald.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That on the west side of Fenwick Avenue, from a point 195' north of Harford Road to a point 217' north of Harford Road, parking is reserved for Afton Donald, displaying a permit.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 492

(Council No. 766)

AN ORDINANCE concerning

RETIREMENT SYSTEM INVESTMENTS

FOR the purpose of permitting the Boards of Trustees of the Employees' Retirement System and Fire and Police Employees' Retirement System to invest, with certain limitations, up to ten percent (10%) of the respective Retirement System Funds in certain new investments; and describing what constitutes the prudent investment of the Retirement Systems' Funds.

BY adding to

Article 22 - Retirement Systems

Subtitle - Employees' Retirement System

Subsections 7(a)(8)(ii) and 7(h)

Baltimore City Code (1983 Replacement Volume, as amended)

BY adding to

Article 22 - Retirement Systems

Subtitle - Fire and Police Employees

Subsections 35(a)(8)(ii) and 35(h)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed or amended to read as follows:

ARTICLE 22 - RETIREMENT SYSTEMS

EMPLOYEES' RETIREMENT SYSTEM

7. Management of Funds.

(a) Trustee of Funds.

8(i) Loans secured by first mortgages, or deeds of trust, or unencumbered fee-simple or improved leasehold real estate in the District of Columbia or in any state of the United States of America or province of Canada. Whenever such loans are made upon fee-simple, or leasehold real estate which is improved by a building or buildings, the said improvements shall be insured against loss by fire and such other casualties as are included in extended coverage policies, and the said insurance policies shall contain the New York or Massachusetts standard mortgage clause or one equivalent thereto and shall be delivered to the mortgagee as additional security for the said loans. Bonds, notes, or other evidence of indebtedness secured by mortgages or deeds of trust which are guaranteed or insured by an instrumentality of the United States pursuant to acts of Congress, as heretofore and hereafter amended, known as the National Housing Act, Servicemen's Readjustment Act of 1944, and Bankhead-Jones Farm Tenant Act; and neither the limitations of this section nor any other law of this State requiring

security upon which loans shall be made, or prescribing the nature, amount or forms of such security, or limiting the interest rates upon loans, shall be deemed to apply to such insured or guaranteed mortgage loans. Provided, however, that such investments in mortgages shall not exceed twenty-five percent (25%) of the total market value of all the assets of the funds of the Employees' Retirement System referred to herein and evaluation of the total assets of the Retirement System shall be made at least once in every three (3) months, for the purpose of maintaining this twenty-five percent (25%) limitation. Upon a foreclosure of its own mortgages or an acceptance of a deed in lieu of foreclosure by the Trustees, the said Trustee shall have the right to purchase, hold, operate, lease, manage and/or sell the subject real estate.

(ii) Open and closed end real estate investment pools, direct real estate investments, and unrestricted mortgage investments with equity participation. Such investments shall be included in the twenty-five percent (25%) restriction of market value of assets provided for in Section 7(a)(8)(i), with the further limitation that these investments shall not exceed ten percent (10%) of the market value of all the assets of the Retirement System Funds.

Provided, however, if any such investment is in the nature of a "real estate investment pool," as defined hereinafter, then such investment shall be subject to the following restrictions:

1. With the exception of an insurance company, the investment manager and any other person responsible for the management, control, custody, maintenance or investment of the funds in the real estate investment pool shall function through a licensed investment entity.

2. With the exception of an insurance company, all funds of the real estate investment pool shall be held in a trust wherein the investment manager, trustees, and all persons or entities responsible for the management, control, custody, maintenance, or investment of the funds, or having any similar responsibility in the pool, shall function in a fiduciary capacity in their relationship to the unit holders or investors in the pool.

3. If the investment is in an insurance company's real estate investment pool, the insurance company shall have the highest rating of A.M. Best Co., and all persons or entities responsible for the management, control, custody, maintenance or investment of the funds, or having any similar responsibility, shall function in a fiduciary capacity in their relationship to the unit holders or investors in the pool.

4. The trust agreement or insurance company pool shall be tax exempt under the applicable provisions of the Internal Revenue Code, Sections 401 and 501(a) or subsequent amendments or revisions thereto.

5. The trust funds of the real estate investment pool, or separate account of an insurance company's real estate investment pool, shall be immune from suit, and exempt from attachment by any creditors of any person, corporation or other entity that is responsible for the management, custody, control, maintenance, or investment of the funds, or having any similar responsibility in said pool, under any local, state, or federal law.

6. *The real estate investment pool trust or any other agreement for such investment shall not violate the provisions of Internal Revenue Code Sections 401 and 501(a) or any subsequent revisions or amendments thereto, under which the Employees' Retirement System is qualified.*

7. *All unit holders or qualified investors in such a pool shall be pension or employee benefit plans or trusts qualified under Internal Revenue Code, Sections 401 and/or 501(a).*

For purposes of this section, a real estate investment pool shall mean any investment wherein the Retirement System places certain funds into a commingled trust, or a commingled separate account of a life insurance company, and wherein the trust or insurance utilizes said funds to make certain real estate investments in the District of Columbia, or in any state of the United States of America or province of Canada, and wherein each investor owns through units a certain equity in the investments based on the investor's percentage of contribution in relation to the total amount of the assets in the trust or separate insurance account.

(b) Prudent Investment of Funds. The Board of Trustees shall discharge its duties, with respect to the investment of the funds of the Employees' Retirement System, solely in the interest of the members and beneficiaries and:

(1) For the exclusive purpose of:

(i) providing benefits to members and beneficiaries; and

(ii) defraying reasonable expenses of administering the Retirement System;

(2) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(3) By diversifying the investments of the Retirement System's funds so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

(4) In accordance with the provisions of Section 7 of this Subtitle.

FIRE AND POLICE EMPLOYEES

35. Management of Funds.

(a) Trustee of Funds.

8(i) Loans secured by first mortgages, or deeds of trust, on unencumbered fee-simple or improved leasehold real estate in the District of Columbia or in any state of the United States of America or province of Canada. Whenever such loans are made upon fee-simple, or leasehold real estate which is improved by a building or buildings, the said improvements shall be insured against loss by fire and such other casualties as are included in extended coverage policies, and the

said insurance policies shall contain the New York or Massachusetts standard mortgage clause or equivalent hereto and shall be delivered to the mortgagee as additional security for the said loans. Bonds, notes or other evidence of indebtedness secured by mortgages or deeds of trust which are guaranteed or insured by an instrumentality of the United States pursuant to Acts of Congress, as heretofore and hereafter amended, known as the National Housing Act, Servicemen's Readjustment Act of 1944, and the Bankhead-Jones Farm Tenant Act; and neither the limitations of this section nor any other law of this state requiring security upon which loans shall be made, or prescribing the nature, amount or forms of such security, or limiting the interest rates upon loans, shall be deemed to apply to such insured or guaranteed mortgage loans. Provided, however, that such investments in mortgages shall not exceed twenty-five per cent (25%) of the total market value of all the assets of the funds of the Fire and Police Employees Retirement System referred to herein and an evaluation of the total assets of the Retirement System shall be made at least once in every three (3) months, for the purpose of maintaining this twenty-five per cent (25%) limitation. Upon a foreclosure of its own mortgages or an acceptance of a deed in lieu of foreclosure by the Trustees, the said Trustees shall have the right to purchase, hold, operate, lease, manage, and/or sell the subject real estate.

(ii) Open and closed end real estate investment pools, direct real estate investments, and unrestricted mortgage investments with equity participation. Such investments shall be included in the twenty-five percent (25%) restriction of market value of assets provided for in Section 35(u)(8)(i), with the further limitation that these investments shall not exceed ten percent (10%) of the market value of all the assets of the Retirement System's Funds.

Provided, however, if any such investment is in the nature of a "real estate investment pool," as defined hereinafter, then such investment shall be subject to the following restrictions:

1. *With the exception of an insurance company, the investment manager and any other person responsible for the management, control, custody, maintenance or investment of the funds in the real estate investment pool shall function through a licensed investment entity.*

2. *With the exception of an insurance company, all funds of the real estate investment pool shall be held in a trust wherein the investment manager, trustees, and all persons or entities responsible for the management, control, custody, maintenance, or investment of the funds, or having any similar responsibility in the pool, shall function in a fiduciary capacity in their relationship to the unit holders or investors in the pool.*

3. *If the investment is in an insurance company's real estate investment pool, the insurance company shall have the highest rating of A.M. Best Co., and all persons or entities responsible for the management, control, custody, maintenance or investment of the funds, or having any similar responsibility, shall function in a fiduciary capacity in their relationship to the unit holders or investors in the pool.*

4. *The trust agreement or insurance company pool shall be tax exempt under the applicable provisions of the Internal Revenue Code, Sections 401 and 501(a) or subsequent amendments or revisions thereto.*

5. The trust funds of the real estate investment pool, or separate account of an insurance company's real estate investment pool, shall be immune from suit, and exempt from attachment by any creditors of any person, corporation or other entity that is responsible for the management, custody, control, maintenance, or investment of the funds, or having any similar responsibility in said pool, under any local, state, or federal law.

6. The real estate investment pool trust or any other agreement for such investment shall not violate the provisions of the Internal Revenue Code, Sections 401 and 501(a) or any subsequent revisions or amendments thereto, under which the Fire and Police Employees' Retirement System is qualified.

7. All unit holders or investors in such a pool shall be pension or employee benefit plans or trusts qualified under Internal Revenue Code, Sections 401 and/or 501(a).

For purpose of this section, a real estate investment pool shall mean any investment wherein the Retirement System places certain funds into a commingled trust, or a commingled separate account of a life insurance company, and wherein the trust or insurance company utilizes said funds to make certain real estate investments in the District of Columbia, or in any state of the United States of America or province of Canada, and wherein each investor owns through units a certain equity in the investments, based on the investor's percentage of contribution, in relation to the total amount of the assets in the trust or separate insurance account.

(b) *Prudent Investment of Funds.* The Board of Trustees shall discharge its duties, with respect to the investment of the funds of the Fire and Police Employees' Retirement System, solely in the interest of the members and beneficiaries and:

(1) For the exclusive purpose of:

(i) providing benefits to members and beneficiaries; and

(ii) defraying reasonable expenses of administering the Retirement System;

(2) With the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(3) By diversifying the investments of the Retirement System's funds so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; and

(4) In accordance with the provisions of Section 35 of this Subtitle.

SEC. 2. And be it further ordained, That this Ordinance shall take effect on the date of its enactment.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 493

(Council No. 785)

AN ORDINANCE concerning

CITY PROPERTY - SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to that certain parcel of land and improvements no longer needed for public purpose, known as SWC Cromwell Street and Insulator Drive (Block 1078, Portion of Lot 1) containing 1.46 acres, more or less.

BY authority of

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5(b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore City, Maryland, described as follows:

BEGINNING for the same at the point formed by the intersection of the south side of Cromwell Street, 66 feet wide, and the west side of Insulator Drive, 40 feet wide, and running thence binding on the west side of said Insulator Drive, South 03 degrees-01 minutes-00 seconds East 377.11 feet; thence for new lines of division through the property now or formerly owned by the Mayor and City Council of Baltimore the six following courses and distances; namely, South 86 degrees-57 minutes-50 seconds West 51.85 feet, North 34 degrees-25 minutes-45 seconds West 119.37 feet, North 00 degrees-51 minutes-35 seconds West 50.88 feet, south 87 degrees-42 minutes-22 seconds West 116.83 feet, North 02 degrees-17 minutes-38 seconds, West 13.59 feet and North 01 degrees-34 minutes-12 seconds East 201.5 feet, more or less, to intersect the southeast side of Hanover Street, as now laid out; thence binding on the southeast side of said Hanover Street, easterly by a line curving to the right with a radius of 172.79 feet the distance of 56.5 feet, more or less, to intersect the aforesaid south side of Cromwell Street and thence binding on the south side of said Cromwell Street, North 87 degrees-09 minutes-30 seconds, East 157.17 feet to the place of beginning.

SEC. 2. *And be it further ordained, That* no deed (deeds) shall pass in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained, That* this Ordinance will take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 494

(Council No. 811)

AN ORDINANCE concerning

EMPLOYEES' RETIREMENT SYSTEM OF BALTIMORE CITY

FOR the purpose of permitting certain Housing Authority of Baltimore City (HABC) employees under certain conditions upon entering City employment to become members of the Employees' Retirement System of Baltimore City without a one year waiting period; and providing, under certain conditions, for the purchase by certain HABC employees of credit in the Employees' Retirement System of Baltimore City for services rendered while HABC employees.

BY adding

Article 22 - Retirement Systems

Subtitle - Employees' Retirement System

Section(s) 9(c)(4)

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, The Housing Authority of Baltimore City (HABC) is a public body corporate and politic created pursuant to Article 44A of the Maryland Annotated Code; and

WHEREAS, Pursuant to such State law, the Mayor and City Council of Baltimore has declared the need for the Housing Authority of Baltimore City, and approved Resolution No. 6 (December 13, 1937), as ratified by Resolution No. 183 (approved April 25, 1940), authorizing the HABC to function in Baltimore City; and

WHEREAS, The Mayor of Baltimore City is empowered to and does appoint the five commissioners of the Housing Authority, and the purpose of the HABC is to provide decent, safe and sanitary dwellings for persons of low income in Baltimore City; and

WHEREAS, The HABC is a creature of the State and the City, and there is a unique and close connection between the purposes and needs of the HABC and the City of Baltimore; and

WHEREAS, As part of the ongoing cooperation between HABC and the City, certain HABC employees are at the present time and have been over the years performing services for the City under certain reimbursable service contracts between HABC and the City of Baltimore dating back as far as 1957; and

WHEREAS, The City and the HABC deem it to be in their mutual interests to terminate certain reimbursable service contracts; and

WHEREAS, Such termination may result in certain HABC employees' loss of jobs and employee benefits; and

WHEREAS, The City both in its interest and the interest of these employees, deems it necessary to employ certain of these employees who desire employment with the City; and

WHEREAS, Under the Employees' Retirement System of Baltimore City, new employees must wait one (1) year before Class C membership coverage by such Retirement System commences; and

WHEREAS, It is the legislative finding of the City Council that it is unreasonable and unfair to require these former HABC employees who worked on City projects pursuant to these reimbursable service contracts, who immediately become City employees, to be deprived of pension and retirement coverage for the one-year period upon entering City employment, and that this provides a reasonable basis for making such employees, who meet certain specified conditions, members of the Employees' Retirement System without the one-year waiting period; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:*

ARTICLE 22 - RETIREMENT SYSTEMS

Employees' Retirement System

9(c).

(4) Notwithstanding anything to the contrary contained in Section 9 hereof, beginning July 1, 1985, any new employee who previously was employed by the HABC shall immediately become a member of the Employees' Retirement System upon entering City employment, provided that:

(a) Such employee provided services under the reimbursable service contracts between the City and the HABC, within one year prior to becoming a City employee,

(b) Such transfer of employment to the City from the HABC contains no break in employment or interruption between the period of HABC employment and employment with the City.

(c) Such previous employment with HABC was for a period of at least one (1) year at the time the employee becomes a City employee,

(d) Such employment with the City is in the nature of duties generally similar to that which the employee was performing with HABC immediately prior to his or her employment, and

(e) Such employee exercises the option to accept City employment immediately upon the transfer to the City of duties which were previously performed by the HABC under the reimbursable service contract.

Upon becoming a member of the Employees' Retirement System, such employee who meets requirements of subsections (c)(4)(a) through (c)(4)(e) of this section shall have the option, if he or she elects, subject to Internal Revenue Service approval, within one hundred twenty (120) days of such Internal Revenue Service approval or within one hundred twenty (120) days of becoming a City employee, whichever is later, to receive credit for service in the Employees' Retirement System for all years, or any portion thereof, that such employee has been credited

with in the HABC retirement plan. In order to receive such credit, the employee, and HABC if necessary, must contribute an amount to the Employees' Retirement System equal to the past service liability (Actuarial Liability) that the City would have contributed for such past service if such employee had been an employee of the City for the number of years purchased. The past service liability will be calculated by the City's Actuary using the same methods and assumptions used to fund the Employees' Retirement System of Baltimore City. Such employee who elects such option shall not be subject to the provisions of Sections 9(a)(1) and 9(c)(1)(iv) of this subtitle as they pertain to the receipt by the member of HABC retirement plan benefits. In order to receive such credit, such funds must be paid to the Employees' Retirement System within thirty (30) days after the election of such option.

If a member elects to buy back his or her HABC retirement service credit as described above, and thereafter dies or leaves City employment for any reason with or without any vested benefit to the member or member's beneficiary under the provisions of this subtitle, then he or she or his or her beneficiary shall be entitled to receive in lieu of any other benefit under the provisions of the Employees' Retirement System of Baltimore City, such original HABC vested account balance contributed by the member into this System, plus interest at the rate of five and one-half percent (5 1/2%), in the form of a lump sum.

SEC. 2. And be it further ordained, That this Ordinance shall take effect on July 1, 1985.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 495

(Council No. 812)

AN ORDINANCE concerning

PARKING - RESERVED
EVESHAM AVENUE

FOR the purpose of providing for reserved parking on the north side of Evesham Avenue for Milton Sloan.

SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That on the north side of Evesham Avenue, from a point 88' east of Gilpin Road to a point 110' east of Gilpin Road, parking is reserved for Milton Sloan, displaying a permit.

SEC. 2. And be it further ordained, That this ordinance shall take effect on the date of its enactment.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 496

(Council No. 866)

AN ORDINANCE concerning

REVENUE BONDS
YWCA OF THE GREATER BALTIMORE AREA, INC.

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue, sell and deliver, at any time or from time to time, and in one or more series, as limited obligations of the City and not upon its full faith and credit, its revenue bonds, to be designated "Baltimore City, Maryland Revenue Bonds (YWCA of the Greater Baltimore Area, Inc. Project)", in the aggregate principal amount not to exceed \$500,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with the rehabilitation and renovation of an existing building located at 128 West Franklin Street, Baltimore City, Maryland owned by the YWCA of the Greater Baltimore Area, Inc.; authorizing the Mayor to accept, on behalf of the Mayor and City Council, the letter of intent of YWCA of the Greater Baltimore Area, Inc. dated November 20, 1984; making certain legislative findings; authorizing and empowering the Board of Finance, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall prescribe, among other things, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing the private (negotiated) sale of such bonds; providing that YWCA of the Greater Baltimore Area, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Department of Housing and Community Development in connection with any improvements to said building and make best efforts to use certain minority firms in connection with certain procurements; providing that, except under certain circumstances, YWCA of the Greater Baltimore Area, Inc., prior to the issuance and sale of such bonds, shall have received the approval of the Mayor's Office of Manpower Resources of a final plan covering the future hiring needs of YWCA of the Greater Baltimore Area, Inc. and its utilization of the training and recruitment services of that office; providing that, except under certain circumstances, if such bonds are not issued and sold within six months after the date on which this Ordinance is approved by the Mayor, the authorization provided in this Ordinance to issue and sell such bonds shall expire; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

RECITALS

Sub-section 50 of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore

(the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated November 20, 1984 (the "Letter of Intent") from YWCA of the Greater Baltimore Area, Inc. (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of, and the charges, fees and expenses incurred in connection with, a certain development project (the "Project") by issuing and selling revenue bonds of the City in the aggregate principal amount not to exceed \$500,000 (the "Bonds"), and by loaning the proceeds of the Bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the City and the Borrower (the "Loan Agreement"), as permitted by the Enabling Law (such loan being herein referred to as the "Loan").

The Project to be financed with the proceeds of the Bonds will consist of: (a) the rehabilitation and renovation of the improvements on the property known as 128 West Franklin Street and (b) the acquisition and installation in that facility of such machinery and equipment and any and all improvements to the facility as may be necessary or useful in connection with the operation of such facility.

The Loan Agreement will require the Borrower (a) to use the proceeds of the Bonds solely to finance the Project, and (b) to make Loan payments which will be sufficient to enable the City to pay the principal of, and the interest and premium, if any, on the Bonds when and as the same shall become due and payable.

As security for the Bonds, the City will enter into a bond indenture (the "Bond Indenture") with either (a) a corporate trustee (the "Trustee") to be appointed by the Board of Finance of Baltimore City (the "Board") for the benefit of the holders of the Bonds, or (b) the original purchaser of the Bonds (the "Original Purchaser") and a trustee for the disbursement of the proceeds of the Bonds (which may be the Original Purchaser) (the "Project Fund Trustee"). Pursuant to the Bond Indenture the City shall pledge, assign, transfer and set over to the Trustee or the Original Purchaser and the Project Fund Trustee, their respective successors and assigns, and grant a security interest in (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) any and all security referred to in the Loan Agreement, excepting only the right of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys that are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time which by delivery or by writing of any kind is conveyed, pledged, assigned or transferred, as and for additional security for the Bonds, by the City or by anyone on its behalf or with its written consent, to the Trustee or the Original Purchaser and

the Project Fund Trustee, their respective successors or assigns, and (e) all of the City's right, title and interest in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds and which the Board shall approve by a resolution or resolutions (the "Resolution") to be adopted by the Board prior to the issuance, sale and delivery of any of the Bonds. If the Board finds and determines, pursuant to the Resolution, that the appointment of a Trustee for the benefit of the holders of the Bonds is not required in order to issue, sell and deliver the Bonds and that the Project will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the Project Fund Trustee is not necessary and that the City will enter into the Bond Indenture with only the Original Purchaser.

The Bonds will be sold at a private (negotiated) sale.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:*

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of the Project will facilitate and expedite the completion of the Project by the Borrower.

(2) The completion of the Project by the Borrower and the financing thereof as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City, (b) promoting economic development in Baltimore City, and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) Neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and from any other moneys made available to the City for such purpose. The proceeds of the Bonds will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee or the Project Fund Trustee as provided in the Bond Indenture to be approved by the Board in the Resolution, provided, however, that if the Board finds and determines, pursuant to the Resolution, that the Project will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the proceeds of the Bonds will be paid directly to the Borrower, or for the ac-

count of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Project, as provided in the Bond Indenture to be approved by the Board in the Resolution. Payments of the principal of and the interest and premium, if any, on the Loan will be paid by the Borrower directly to the Trustee or to the Original Purchaser, its successors and assigns, as provided in the Bond Indenture to be approved by the Board in the Resolution. No such moneys will be commingled with the funds of the City or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance. The loan form of transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Enabling Law are to be achieved by facilitating the completion of the Project by the Borrower.

(4) The City will acquire no interest in the Project other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution. The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bonds as the Board may provide for and approve in the Resolution, and (c) moneys realized from any guaranty or insurance of, or other credit support for, the Bonds or of the Loan as the Board may provide for and approve in the Resolution.

(5) The best interests of the City will be served by selling the Bonds at a private (negotiated) sale, as authorized by the Enabling Law, upon terms and conditions approved by the Board in the Resolution.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time, or from time to time, and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its revenue bonds in the aggregate principal amount not to exceed \$500,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be loaned to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the costs, charges, fees, and expenses in connection with the completion of the Project. The Bonds and the interest thereon shall be limited obligations of the City, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the City for such purpose. The security for the Bonds shall be solely and exclusively as provided in Section 1 of this Ordinance.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the commitment of the City to issue the Bonds, and the Mayor of Baltimore City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City and the Borrower contemplate that, upon the effectiveness of this Ordinance, the Borrower may commence the Project prior to the issuance, sale and delivery of the Bonds, provided, however, that if the Borrower proceeds with the Project prior to the effective date of the Resolution (described in Section 10 of this Ordinance), the Borrower shall bear the risk of non-issuance of the Bonds and of any loss which may directly or indirectly result from the non-issuance.

SEC. 4. *And be it further ordained*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Revenue Bonds (YWCA of the Greater Baltimore Area, Inc. Project)", provided, that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution (e.g., "1985 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the Original Purchaser or other purchasers of the Bonds and to be approved and prescribed by the Board in the Resolution.

SEC. 5. *And be it further ordained*, That the definitive Bonds, which may be engraved, printed or typewritten, including any Trustee's certificate of authentication to be endorsed thereon, shall be in such form, not inconsistent with the Enabling Law and the provisions of this Ordinance, as the Board may approve in the Resolution.

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of Baltimore City, by his manual or facsimile signature, and by the Director of Finance of Baltimore City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Loan Agreement, the Bond Indenture and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of Baltimore City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of Baltimore City, the Director of Finance of Baltimore City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine in the Resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That, subject to the provisions of Section 18, the Bonds shall be executed, issued and delivered at any time, or from time to time, in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$500,000, as the Board shall prescribe in the Resolution.

SEC. 8. *And be it further ordained*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times, and at such place or places as the Board shall prescribe in the Resolution.

SEC. 9. *And be it further ordained*, That the Bonds may be subject to redemption prior to their stated maturities upon such terms and conditions as the Board shall prescribe in the Resolution.

SEC. 10. *And be it further ordained*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt the Resolution, pursuant to which Board shall:

(a) prescribe the form, tenor, terms and conditions of, and the security for, the Bonds;

(b) prescribe the actual amounts, rate or rates of interest (or the method of determining the rate or rates), denominations, date, actual maturity or maturities, and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) if required in order to issue, sell and deliver the Bonds, appoint a bank having trust powers, or a trust company, as Trustee for the benefit of the holders of the Bonds and, if necessary, appoint a paying agent or agents for the Bonds, which may be the Trustee.

(d) subject to the requirements of Section 15, approve the form and contents, and authorize the execution and delivery, where applicable, of (i) the Loan Agreement, (ii) the Bond Indenture, (iii) any insurance agreements or other credit support instrument provided by any person to pay or insure the payment of the principal of, and the interest and premium, if any, on the Bonds or the Loan, or both, including, without limitation, agreements by the Maryland Industrial Development Financing Authority to prove financial assistance under the provisions of the Maryland Industrial Development Financing Authority Act, Title 13, Subtitle 1, of the Financial Institutions Article of the Annotated Code of Maryland, and (iv) such other documents, including, without limitation, mortgages, deeds of trust, guaranties and security instruments as the Board shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(e) approve the terms and conditions of any bond purchase agreement with underwriters or other purchasers of the Bonds for the purchase and sale of the Bonds of any series (or any portion thereof);

(f) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(g) provide for the direct payment by the Borrower of all costs, fees and expenses imposed or incurred by or on behalf of the City in connection with the authorization, issuance, sale and delivery of the Bonds, including, without limitation, the costs of printing the Bonds and necessary documents associated with the issuance of the Bonds and the fees of and compensation to any person (other than full time employees of the City) performing services by or on behalf of the City in connection with the authorization, issuance, sale and delivery of the Bonds;

(h) if required for the sale of the Bonds of any series at private (negotiated) sale, prepare and distribute, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(i) if a Trustee is appointed, provide for the issuance and sale (subject to the passage of an appropriate ordinance authorizing the same as may be required at the time) of one or more series of additional bonds and one or more series of refunding bonds; and

(j) do any and all things, and authorize the officials of the City to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 11. *And be it further ordained*, That the Loan Agreement and the Bond Indenture shall contain such terms, provisions and conditions not inconsistent with the Enabling Law and the provisions of this Ordinance as the Board shall approve in the Resolution.

SEC. 12. *And be it further ordained*, That as authorized by the Enabling Law, the Bond shall be sold at private (negotiated) sale upon such terms and conditions as shall be approved by the Board in the Resolution.

SEC. 13. *And be it further ordained*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or other constitutional, statutory or charter provisions limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board in the Resolution, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose. The proceeds of the Bonds will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee or by the Project Fund Trustee as provided in the Bond Indenture to be approved by the Board in the Resolution, provided, however, that if the Board

finds and determines, pursuant to the Resolution, that the appointment of a Trustee for the benefit of the holders of the Bonds is not required in order to issue, sell, and deliver the Bonds and that the Project will be completed on or before the date of delivery of the Bonds, the Board may provide in the Resolution that the proceeds of the Bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the completion of the Project, as provided in the Bond Indenture to be approved by the Board in the Resolution. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law and this Ordinance.

SEC. 14. *And be it further ordained*, That in consideration of the purchase and acceptance of the Bonds by those who shall hold the Bonds from time to time, the City does hereby, and by the execution and delivery of the Bond Indenture to be approved by the Board the City shall, set aside and pledge the income and revenue under the Loan Agreement (other than payments to the City for indemnification or to reimburse the City for expenses incurred by the City itself) to the Trustee or the Original Purchaser, its successors and assigns, to be used and applied for the payment of the principal of, premium, if any, and interest on the Bonds. Pursuant to the terms of the Loan Agreement to be approved by the Board in the Resolution, payments sufficient for the prompt payment when due of the principal of, premium, if any, and interest on the Bonds are to be paid by the Borrower to the Trustee for the benefit of the holders of the Bonds, or to the Original Purchaser, its successors and assigns, for the account of the City.

SEC. 15. *And be it further ordained*, That the Borrower shall agree in the Loan Agreement approved by the Board that:

(a) It will submit any plans and specifications for the Project to the Department of Housing and Community Development for approval, which approval shall not be withheld unreasonably;

(b) It and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality of design, and

(c) It shall make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Project or the provision of services or supplies with the proceeds of the Bonds.

SEC. 16. *And be it further ordained*, That the Borrower, prior to the issuance and sale of the Bonds, shall receive the approval of the Mayor's Office of Manpower Resources of a final plan covering the future hiring needs of the operator or manager of the facilities acquired with proceeds of the Bonds and the utilization by the operator or manager of the training and recruitment services of that Office; provided however, that in the event such approval has not been received,

then the Borrower shall submit to the Baltimore Economic Development Corporation a timetable and procedure, approved by that Office, for the development of such a final plan.

SEC. 17. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance, or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom, provided, however, that neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall give rise to any pecuniary liability of the City.

SEC. 18. *And be it further ordained*, That, if none of the Bonds are issued and sold within the 6-month period immediately following the date on which this Ordinance is approved by the Mayor of Baltimore City, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six (6) months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council of Baltimore City.

SEC. 19. *And be it further ordained*, That this Ordinance shall take effect from the date of its approval by the Mayor of Baltimore City.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 497

(Council No. 350)

AN ORDINANCE concerning

**INDUSTRIAL DEVELOPMENT REVENUE BONDS—REPEALED
(THE WILLIAM H. WHITING COMPANY PROJECT)**

FOR the purpose of repealing Ordinance 1, approved February 17, 1984, in order to rescind the authorization to issue industrial development revenue bonds in the aggregate principal amount not to exceed \$750,000 for the William H. Whiting Project.

WHEREAS, the Mayor and City Council of Baltimore by Ordinance 1, approved February 17, 1984 authorized the issuance of industrial development revenue bonds in the aggregate principal amount not to exceed \$750,000 for the William H. Whiting Project; and

WHEREAS, it has been determined that the proceeds of the bonds authorized to be issued are not needed and will not be issued to fund the project; and

WHEREAS, no bonds have been issued or will be issued pursuant to the authority provided in Ordinance 1; and

WHEREAS, it is advisable to repeal and rescind Ordinance 1 in order to eliminate any industrial development revenue bond authorization which may effect the total amount of such authorizations that the Mayor and City Council of Baltimore may be authorized to have outstanding at one time pursuant to any cap on such authorizations imposed by Federal law, now therefore;

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Ordinance 1, approved February 17, 1984, is hereby repealed and the authorization to issue industrial revenue bonds in the aggregate principal amount not to exceed \$750,000 for the William H. Whiting Project is hereby rescinded.

SEC. 2. *And be it further ordained*, That this ordinance shall take place from the date of its passage.

Approved July 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 498

(Council No. 733)

AN ORDINANCE concerning

**ZONING - PLANNED UNIT DEVELOPMENT
HECHINGER - REISTERSTOWN ROAD PLAZA**

FOR the purpose of approving the application of The Hecht Company, owner of certain property located in Baltimore City at the northwest corner of the intersection of Reisterstown Road and Patterson Avenue; Continental Realty, Inc., owner of property located at said location known as the Reisterstown Road Plaza Shopping Center; and The Hechinger Company, as lessee of certain property at the said location, said property consisting of 6.87 acres, more or less; to have said property designated a Business Planned Development in accordance with Sections 12.0-1 and 12.0-4 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) and to approve the Development Plan submitted jointly by The Hecht Co., Continental Realty, Inc., and The Hechinger Company.

By authority of

Article 30 - Zoning

Sections 12.0-1 and 12.0-4

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, On the 21st day of November, 1984, The Hecht Company, Continental Realty, Inc., and The Hechinger Company met with the Department of Planning of Baltimore City to hold a Pre-Petition Conference to explain the scope and nature of existing and proposed development on the property in order to institute proceedings to have said property designated a Business Planned Development; and

WHEREAS, Together herewith The Hecht Company, Continental Realty, Inc., and The Hechinger Company have made formal application to the City Council of Baltimore City and have submitted the requisite Development Plan, including the following: landscaping drawings dated March 22, 1985 by Salditt and Associates, Architects; and elevation and site plan and sign drawings dated March 22, 1985 by Salditt and Associates, Architects; intended to satisfy the requirements specified in Sections 12.0-1 and 12.0-4 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended); and

WHEREAS, The Hecht Company, Continental Realty, Inc., and The Hechinger Company, in requesting the introduction of this bill, signify their intention to implement, execute, substantially complete, and maintain the development of the property in accordance with the Development Plan; now, therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That the application of The Hecht Company and Continental Realty, Inc., owners of the property northwest of the intersection of Reisterstown Road and Patterson Avenue, consisting of 6.87 acres, more or less, as outlined in the Development*

Plan accompanying this Ordinance, and The Hechinger Company as lessee thereof, to designate said property a Business Planned Development pursuant to Article 30, Sections 12.0-1 and 12.0-4 of the Baltimore City Code (1983 Replacement Volume, as amended), be and it is hereby approved.

SEC. 2. *And be it further ordained*, That the Development Plan (as scheduled in the recital paragraph of this Ordinance) submitted by The Hecht Company, Continental Realty, Inc., and The Hechinger Company, attached hereto and made a part hereof, be and it is hereby approved.

SEC. 3. *And be it further ordained*, That except as provided for in Section 4 of this Ordinance: a) the uses in that portion of the Business Planned Development zoned B-2, will be restricted to those permitted in the B-1 and B-2 Districts (Sections 6.1-1b and 6.2-1b), and (b) the remainder of the property known as Reisterstown Road Plaza shall continue to be used in accordance with the existing zoning.

SEC. 4. *And be it further ordained*, That in accordance with Section 12.0-4(a)3, permission is hereby granted for the establishment, maintenance and operation of an approximately 25,500 square foot outdoor sales and storage area to be utilized by The Hechinger Company as shown on the Development Plan, notwithstanding the provisions of Section 3 of this Ordinance, on the condition that the use and occupancy permit for such area shall not be issued until the Planning Department of the City of Baltimore is satisfied that the work specified on the Development Plan has been substantially completed.

SEC. 5. *And be it further ordained*, That upon passage of this Ordinance by the City Council, as evidence of the authenticity of the Development Plan which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the Development Plan, and when the Mayor approves the Ordinance, he shall sign the Development Plan. The Director of Finance shall then transmit a copy of the Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator of Baltimore City.

SEC. 6. *And be it further ordained*, That this Ordinance is passed on the condition that The Hecht Company, Continental Realty, Inc., and The Hechinger Company shall implement, execute, substantially complete and maintain the development of the property in accordance with the Development Plan, it being understood and agreed that the Planning Department of the City of Baltimore shall seek performance of The Hecht Company, Continental Realty, Inc., and The Hechinger Company undertakings hereunder.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 2, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 499

(Council No. 734)

AN ORDINANCE concerning

REZONING—2639 BOSTON STREET

FOR the purpose of changing the zoning for the property known as 2639 Boston Street, from the M-3 Zoning District to the B-3-2 Zoning District as outlined in red, on the AMENDED plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 67

Article 30—Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Sheet No. 67 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the M-3 Zoning District to the B-3-2 Zoning District the property known as 2639 Boston Street; as outlined in red on the AMENDED plats accompanying this ordinance.

SEC. 2. *And be it further ordained, That* upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained, That* this ordinance shall take effect on the 30th day after the date of its enactment.

Approved July 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 500

(Council No. 833)

AN ORDINANCE concerning

FINANCIAL DISTRICT URBAN RENEWAL PLAN
AMENDMENT NO. 4

FOR the purpose of revising the Urban Renewal Objectives for the Financial District Plan to provide for site assemblage of designated Development Areas, will provide for authorization to close a portion of Wilkes Lane west of Calvert Street and a portion of St. Paul Street between Fayette and Baltimore Streets, and to widen a portion of Lovegrove Street along the east side and a portion of Dark Lane along the north side all as additional Right of Way Adjustments, to create new Development Areas 4 and 5 for development and to revise Exhibit B, entitled "Development Areas" and Exhibit E, entitled "Right of Way Adjustment", to provide for the separability of the various parts and application of this Ordinance, to provide that where this Ordinance shall conflict with any other Ordinance, Code or regulation in force in Baltimore City, the provision which establishes the higher standard shall prevail, and to provide for an effective date for this Ordinance.

WHEREAS, an Urban Renewal Plan for the Financial District area was approved by the Mayor and City Council of Baltimore by Ordinance No. 373 approved June 28, 1977 and amended by Ordinance No. 343, approved June 19, 1981, by Ordinance No. 1017, approved July 6, 1983 and by Ordinance No. 1027, approved October 18, 1983; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume of the 1976 Edition, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of an urban renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, said Amendment No. 4 to the Urban Renewal Plan for the Financial District has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and its conformity to existing zoning districts; and said Amendment No. 4 to the Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* the amended Urban Renewal Plan for the Financial District, identified as "Financial District Urban Renewal Plan" revised to include Amendment No. 4, is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 2. *And be it further ordained, That*

1) On Page 3 of the Plan, in Section B, delete Paragraph 10 and in lieu thereof insert a new Paragraph 10 as follows:

"10. To close Cheapside Street between Lombard and Water Streets, a portion of St. Paul Street between Fayette and Baltimore Streets and Wilkes Lane between St. Paul and Calvert Streets to provide opportunities for new development and parking and to widen a portion of Lovegrove Street along the east side and to widen a portion of Dark Lane along the north side to improve vehicular circulation.

2) On Pages 5 and 6 of the Plan, in Section D, delete the title of Paragraph 4 and insert in lieu thereof a new title, "*Acquisition of Property*" and at the end of subparagraph (c) on Page 6, add a new subparagraph (d) as follows:

"(d) Site assemblage of designated Development Areas shown on Exhibit B for disposition in accordance with Section E hereof."

3) On Page 9 of the Plan in Section F in Paragraph 2, following the subparagraph describing Specific Controls for Development Area 3, add the following:

"Development Area 4

Development of public pedestrian area at grade, with limited vehicular use for emergency vehicle and off-peak hour deliveries. Existing utilities must be protected, with the right to maintain and the duty to restore after maintenance work. Below grade foundation projections from adjacent construction shall be permitted, subject to utility protection.

Development Area 5

Development of a parking garage for public and private use, and commercial office space with ancillary retail facilities.

4) Delete Exhibit B, "Development Areas" and insert in lieu thereof the new Exhibit B entitled "Development Areas," as revised through November 30, 1984.

5) Delete Exhibit E, "Right of Way Adjustments," and insert in lieu thereof the new Exhibit E, entitled "Right of Way Adjustments," as revised through November 30, 1984.

SEC. 3. *And be it further ordained, That* in whatever respect if any, the Amended Renewal Plan approved hereby for the Financial District may not meet

the requirements as to the content of a renewal plan or the procedure for the preparation, adoption, and approval of renewal plans as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume of the 1976 Edition, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 4. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance or the application thereof to any person or circumstance is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part of the application thereof so held invalid.

SEC. 5. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict; the provision which establishes the higher standard for the promotion and protection of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 6. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved July 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 501

(Council No. 911)

AN ORDINANCE concerning

NORTHEAST MARYLAND WASTE DISPOSAL
AUTHORITY - BALTIMORE CITY SLUDGE
COMPOSTING FACILITY

FOR the purpose of authorizing and providing for Mayor and City Council of Baltimore to, participate in a sewage sludge composting facility to be located in Baltimore City, Maryland; making certain findings concerning such participation; providing for the execution of and approving the form of a Facility Site Lease between the City and Northeast Maryland Waste Disposal Authority (the "Authority") or its designee pursuant to which the site on which such facility will be constructed shall be leased to the Authority or its designee; providing for the execution of and approving the form of a Sludge Disposal Agreement between the City and the Authority having a term at least as long as the term of any revenue obligations issued by the Authority to finance such facility pursuant to which agreement the City shall, among other things, agree to deliver specified amounts of sewage sludge and pay through tipping fees the cost associated with disposal of such amounts in accordance with the terms of such Sludge Disposal Agreement whether or not such amounts are delivered; and generally providing for and determining various matters in connection with the participation of the City in such sludge composting facility and the execution and delivery of such documents.

RECITALS

Northeast Maryland Waste Disposal Authority (the "Authority") was created by and exists under Chapter 871 of the Laws of Maryland of 1980, as amended (the "Act"), in order to assist in certain participating political subdivisions of the State of Maryland, other public entities and the private sector of the economy to provide adequate waste disposal facilities, including facilities for the disposal of waste water treatment residue, and a financing vehicle for such facilities.

The Authority and the City have determined that there is a need for the construction of a sewage sludge composting facility (the "Facility") in Baltimore City designed to process at least 210 tons per day and ~~54,570~~ 54,750 tons per year (the "Guaranteed Annual Tonnage") of acceptable sludge ("Acceptable Sludge"). In order to assist the City with the disposal of Acceptable Sludge, the Authority has offered to enter into a long-term sludge disposal agreement (the "Sludge Disposal Agreement") with the City. The Sludge Disposal Agreement would provide for the composting by the Authority or its designee of Acceptable Sludge at the Facility or the disposal of such Acceptable Sludge by means other than composting at disposal facilities other than the Facility.

Subject to the approval of the City as herein provided, the Authority intends to enter into contractual arrangements with a single, qualified private sector entity in order to provide for the design, construction, equipping, start-up, testing, ownership and operation of the Facility by such entity.

As a result of the competitive procurement process described below, the Authority has received a proposal from a group consisting of Research-Cottrell, Inc. ("RCI") and Compost Systems Company (the "RCI Group") with respect to the Facility. The RCI Group has proposed to form Baltimore City Composting Partnership, a Maryland general partnership or such other general or limited partnership as the RCI Group may deem appropriate (the "Company"), and to have the Company design, construct, equip, start-up, test, own and operate the Facility. The involvement of the RCI Group and the Company will promote the purposes of the Authority and further the interests of the City. RCI has indicated its willingness to provide for commitments to the Facility in the form of equity and certain construction and operation commitments, thereby facilitating the construction, operation and financing of the Facility and the disposal of the City's sewage sludge. Compost Systems Company brings sound technology to the Facility and RCI brings experience in the construction and operation in this country of waste water treatment facilities.

The Authority undertook a two-step process to provide a single private entity which is financially and technically capable of designing, constructing and operating the Facility. On September 21, 1984, the Authority issued a Request for Qualifications in order to select qualified firms with which to enter into competitive negotiations. The Authority reviewed the responses to its Request for Qualifications and determined on November 7, 1984 that two of the groups which responded to the Request for Qualifications (the "Qualified Groups") should be invited to participate in simultaneous competitive negotiations with respect to the design, construction and operation of the Facility.

Beginning November 15, 1984 the Authority held a series of competitive negotiation sessions with each of the Qualified Groups based upon various technical and contractual documents prepared by each of the Qualified Groups.

Following five months of competitive negotiations, the Authority, by resolution adopted on April 15, 1985, invited the RCI Group to participate in exclusive negotiations for the award of the Facility.

Since April 15, 1985, the Authority and the RCI Group have conducted exclusive, extensive and detailed negotiations on agreements providing for the design, construction and operation of the Facility. As a result of such negotiations, the following draft agreements (the "Project Documents") have been developed.

(1) A Service Agreement between the Authority and the Company which (by way of general description and not limitation) provides for the design, construction, equipping, start-up, testing, ownership and operation of the Facility by the Company and the disposal of the sewage sludge provided to be delivered thereunder at facilities other than the Facility in the event processing of sludge cannot occur at the Facility (the "Service Agreement").

(2) A Sludge Disposal Agreement between the Authority and the City which (by way of general description and not limitation) provides for the disposal by the Authority of specified quantities of sludge to be delivered by or on behalf of the City and for the payment by the City of the disposal costs therefor through tipping fees, whether or not the City delivers such sludge.

(3) A Construction Management Agreement between the Company and RCI which (by way of general description and not limitation) provides for the design and construction services with respect to the Facility to be performed by RCI.

(4) An Operation and Maintenance Agreement between the Company and RCI which (by way of general description and not limitation) provides for the operation and maintenance services with respect to the Facility, and the disposal of sludge, to be performed by RCI.

(5) A Marketing Agreement among the Authority, the Company and Compost Systems Company which (by way of general description and not limitation) provides for the marketing of compost produced at the Facility).

(6) A Facility Site Lease between the Authority (or its designee) and the City which (by way of general description and not limitation) provides for the leasing by the City of the site in Baltimore City (the "Facility Site") on which the Facility will be constructed (the "Facility Site Lease");.

At a meeting held on May 21, 1985 the Authority authorized the Project Documents to be delivered to the City for approval. The Authority indicated its commitment, by resolution adopted ON June 11, 1984, to issue its bonds, notes or other obligations in order to finance; all or a portion of the costs of the Facility. The sale of such bonds, notes or other obligations would be facilitated by the prior approval by the City of each of the Project Documents to which the City is party. The Authority intends to develop the financing documents necessary for the sale of such bonds, notes or other obligations, which financing documents may include (without limitation) a loan agreement or loan agreements, a trust indenture or trust indentures (which may be in the form of a bond resolution or bond resolutions), a mortgage or mortgages, a guarantee or guarantees or other form or forms of security and an official statement or official statements (collectively, the "Financing Documents").

NOW, THEREFORE,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* (the terms used in this Ordinance shall have the meanings prescribed in the Recitals hereto) it is hereby found and determined that:

(a) The design, construction, equipping, ownership and operation of the Facility and the disposal of the Guaranteed Annual Tonnage, in the manner and upon the terms and conditions described in the Project Documents, is in the best interests of the City. The failure so to provide for the Facility and the disposal of the Guaranteed Annual Tonnage in order to dispose of sewage sludge generated at the City's Back River Waste Water Treatment Plant can create serious economic, environmental and public health problems.

(b) It is in the public interest of the City that the Authority proceed with the negotiation and preparation of the Financing Documents, and take all actions which the Authority, in its discretion, deems to be necessary or appropriate for the issuance and sale of its bonds, notes or other obligations to finance the Facility and for the execution and delivery of the Project Documents and the Finance-

ing Documents by the parties thereto. The City recognizes that, among other things, the Authority will assign its rights and obligations under the Facility Site Lease, or sublet the Facility Site, to the Company.

(c) The Authority has engaged in a continuous competitive procurement for the Facility which began approximately nine months ago, involving arrangements for the use of the Facility by the City and providing for the construction, operation and financing of the Facility in a cost effective manner. As permitted and authorized by the Act, the City is entering into contracts directly with the Authority to accomplish and consummate the results of that competitive procurement. Moreover, in view of the competitive nature of such procurement process, it would be unnecessary, impracticable, inappropriate, infeasible and disadvantageous for there to be any further competitive procurement on the part of the City. Any such further competitive procurement would be inadequate to develop, or assist in the development of, the complex and inter-related form of the transactions necessary to meet the goals and achieve the purposes of the Authority and the City, taking into account the approximately three months of competitive negotiations between the Qualified Firms and the approximately four months of exclusive, substantive negotiations to date with the RCI Group necessary to achieve the form of the transactions for the Facility.

The Facility Site to be leased by the City pursuant to the Facility Site Lease is no longer needed by the City for public use. Such property will facilitate the construction and operation of the Facility, and, thereby will be used for or in connection with industrial and economic development or expansion in Baltimore City.

SEC. 2. *Be it further ordained by the City Council.* That the terms, provisions, form, content and substance of the Sludge Disposal Agreement are hereby approved and adopted. A copy of the Sludge Disposal Agreement has been presented to the City Council and shall be placed in the official records of the City and be made available for public inspection at the ~~office of the Custodian of the City Seal~~ DEPARTMENT OF LEGISLATIVE REFERENCE. The Mayor is hereby authorized on behalf of the City to execute and deliver, and to cause to be accepted and executed by the other party or parties thereto, the Sludge Disposal Agreement with an initial Guaranteed Annual Tonnage (as defined therein) of 54,750 tons. The Sludge Disposal Agreement to be so executed and delivered shall be substantially in the form hereby approved with (i) such changes in form or such changes in content which do not materially adversely affect the interests of the City thereunder as may be approved by the Mayor, his execution thereof to constitute conclusive evidence of his approval of any and all changes or revisions therein from the form of Sludge Disposal Agreement hereby approved, or (ii) with such other changes as may be approved by resolution or resolutions of the City Council or the Board of Estimates. It is recognized that the Authority intends to enter into contractual arrangements with the Company providing for the composting of the Guaranteed Annual Tonnage of the City at the Facility, or the disposal of the Guaranteed Annual Tonnage otherwise as provided in the Sludge Disposal Agreement, and that the total cost of sludge disposal payable under the Sludge Disposal Agreement would therefore include amounts payable by the Authority to the Company with respect to the City's Guaranteed Annual Tonnage under such contractual arrangements. Such contractual arrangements

between the Authority and the Company are hereby approved provided that the dollar amount of the Tipping Fee to be calculated as provided for in Schedule 1 to the Sludge Disposal Agreement and as subject to adjustment in accordance with the provisions of such Schedule 1 does not exceed an amount calculated in accordance with such Schedule 1 assuming that bonds, notes or other obligations of the Authority are issued in an aggregate principal amount sufficient to finance the total cost of designing, constructing, starting-up and testing the Facility but in no event in excess of twenty million dollars (\$20,000,000). The City recognizes that the Tipping Fee in effect from time to time depends in part upon the interest rate or rates on the bonds, notes or other obligations of the Authority to be issued and sold to finance all or a portion of the cost of the Facility and that such bonds, notes or other obligations may have a fixed or variable rate of interest as provided in the trust indenture of the Authority pursuant to which such obligations are issued. Accordingly, this Ordinance hereby authorizes and approves the maximum Tipping Fee provided above. Neither the approval of the maximum Tipping Fee nor the occurrence of any lower Tipping Fee during the term of the Sludge Disposal Agreement shall ~~effect~~ AFFECT the obligations of the City set forth in the Sludge Disposal Agreement to pay the total cost of the disposal of the guaranteed Annual Tonnage of the City as described in Section 13.2 and Schedule 2 of the Sludge Disposal Agreement. Any resolution or resolutions adopted pursuant to this Ordinance shall be deemed to be of an administrative nature and shall be effective upon approval by the Mayor. Nothing herein shall preclude or limit the authorization by resolution of the City Council or the Board of Estimates of a Tipping Fee in excess of the maximum Tipping Fee authorized and approved herein. Authority is hereby granted to the City Council or the Board of Estimates to approve any Tipping Fee in excess of such Tipping Fee authorized and approved herein by resolution of the City Council or the Board of Estimates.

SEC. 3. *Be it further ordained by the City Council*, That the terms, provisions, form, content and substance of the Facility Site Lease, are hereby approved and adopted. A copy of the Facility Site Lease has been presented to the City Council and shall be placed in the official records of the City and made available for public inspection at the ~~office of the Custodian of the City Seal~~ DEPARTMENT OF LEGISLATIVE REFERENCE. The Mayor is hereby authorized on behalf of the City to execute and deliver, and to cause to be accepted and executed by the other party or parties thereto, the Facility Site Lease, to be in substantially the form filed with the City Council and herein approved (i) with such changes in form or such changes in content which do not materially adversely affect the interests of the City thereunder as may be approved by the Mayor, his execution thereof to constitute conclusive evidence of ~~this~~ HIS approval of any and all changes or revisions therein from the form of Facility Site Lease hereby approved or (ii) with such other changes as may be approved by resolution or resolutions of the City Council or the Board of Estimates. The Mayor shall have impressed or imprinted on the Facility Site Lease and the Sludge Disposal Agreement the corporate seal of the City, attested by the Custodian or Alternate Custodian of the City Seal, and is hereby authorized and directed to take all actions necessary or appropriate to execute and deliver, and to cause to be executed and accepted by the other party or parties thereto the Facility Site Lease and the Sludge Disposal Agreement.

SEC. 4. *Be it further ordained by the City Council*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, section or part had not been included therein, and as if the person or circumstances to which this Ordinance or any part thereof is inapplicable had been specifically exempted therefrom.

SEC. 5. *Be it further ordained by the City Council*, That this Ordinance shall take effect from the ~~date of its passage and approval by the Mayor of the City~~ DAY OF ITS ENACTMENT.

Approved July 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 502

(Council No. 912)

AN ORDINANCE concerning

STREET ENCROACHMENTS—3658 MALDEN AVENUE—
CORRECTION

FOR the purpose of correcting the description of the steps projecting into the public right of way.

BY repealing and reordaining with amendments

Ordinance No. 267

Section 1

Approved January 23, 1985

• SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section 1 of Ordinance No. 267, approved January 23, 1985, be amended to read as follows:

"SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*. That the construction and maintenance of 2 sets of steps is hereby authorized on the [south] *northeast* side of the property known generally as 3658 Malden Avenue. One set of steps shall project 26 inches into the public right of way and shall be 9 feet 6½ inches long. The other set of steps shall project 18¼ inches into the public right of way and shall be 9 feet 3 inches long. Both sets of steps shall be constructed of brick. Except as in this ordinance specifically provided, all or-

dinances and rules of the Mayor and City Council of Baltimore shall be complied with in the construction and use of these steps."

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved July 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 503

(Council No. 770)

AN ORDINANCE concerning

LITTER CONTROL

FOR the purpose of prohibiting littering in Baltimore City; defining certain terms; providing for penalties and for enforcement by citation; providing prima facie evidence under certain circumstances; and generally relating to litter control in Baltimore City:

BY adding

Article 19—Police Ordinances

Subtitle—To be under new subtitle "Litter Control"

Section 55A

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added; repealed, or amended; to read as follows:

ARTICLE 19—POLICE ORDINANCES

Litter Control

55A. Litter control.

(a) *Purpose.* It is the purpose of this subtitle to protect the safety, health, and welfare of the citizens of Baltimore City by prohibiting littering and the accumulation of litter on public and private property.

(b) *Definitions.* As used in this subtitle the following terms have meanings indicated unless the context clearly requires a different meaning:

(1) "Litter" means all putrescible and non-putrescible solid waste, including all garbage, filth, trash, refuse, rubbish, dirt, household waste, litter, animal feces, tires, appliances, rubble, waste, offal, clamjamfry, waste material, debris, dead animals or other discarded materials of every kind and description.

Litter also includes the improper storage of any material, objects, articles, or abandoned unlicensed vehicles which harbor rodents or insects or which may become a rodent or insect harborage.

(2) "Public and private property" means every street, alley, sidewalk, expressway, footway, highway, lane, right-of-way, park, recreational area, open space, school property, any body of water or watercourse or docks, shores, or benches thereof, public place, yard, parking lot, and any residential, commercial, or industrial structure, premises, or lot that is ordinarily visible to the general public.

(3) "Person" means any individual, corporation, partnership, sole proprietorship, joint venture, personal representative, fiduciary, or other entity.

(4) "Dispose" means deposit, discard, dump, discharge, place, cast, throw, scrap, junk, abandon, slough, or heap.

(c) *Littering.*

A person shall not dispose of litter or permit the accumulation of litter on public or private property unless:

(1) the public or private property is approved by a governmental body for the disposal of litter; or

(2) the litter is placed into a litter receptacle located on public or private property.

(d) *Penalties.*

(1) Any person who violates the provisions of this subtitle is guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500. If a person is convicted of violating this subtitle more than one time, then that person shall be subject to a fine of not more than \$1,000 or imprisonment for not more than 90 days or both fine and imprisonment.

(2) In the discretion of any court in which a conviction is obtained, the person convicted may be directed by the judge to pick up and remove all litter from any public or private property designated by the judge.

(3) In addition to the provisions of this subtitle, any person violating the provisions of this subtitle may be issued a citation and fined in accordance with the provisions of Section 8A of Article 19 of the Baltimore City Code.

(e) *Evidence.* When litter is disposed of or permitted to accumulate in violation of this subtitle on private property, the owner, occupant, authorized registered agent, and operator of the private property shall be considered to be the person who disposed of or permitted the accumulation of the litter.

(f) *Responsible parties.*

~~(1) Any person who commits, attempts to commit, conspires to commit, or aids or abets another in the commission of a violation of this subtitle, whether as a principal, agent or accessory, is guilty of the violation.~~

~~(2) Any person who wilfully induces, causes, coerces, permits, or directs another to commit a violation of this subtitle is guilty of the violation.~~

~~(g) Enforcement. The provisions of this subtitle shall be enforced by police officers of the Baltimore City Police Department and duly appointed building, housing, zoning, fire, animal control, health and sanitation inspectors and enforcement officers.~~

~~(h) Liens. If an agency of the City of Baltimore removes any litter from any private property, the cost of such removal and the penalty and costs imposed by a court or under a citation, if uncollected, shall become a lien on the property and the premises from which the litter was removed. This lien shall be collected in the usual manner that liens are collected by the City of Baltimore.~~

~~SEC. 2. And be it further ordained, That if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of the Ordinance are declared severable.~~

~~SEC. 3. And be it further ordained, That this Ordinance shall take effect on the date of its enactment.~~

FOR THE PURPOSE OF PROHIBITING LITTERING IN BALTIMORE CITY; DEFINING CERTAIN TERMS; PROVIDING PENALTIES; PROVIDING FOR ENFORCEMENT BY CITATION; PROVIDING FOR THE FORM OF AND PROCEDURES FOR ISSUANCE OF CITATIONS; AUTHORIZING ADOPTION OF RULES, REGULATIONS AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR NOTICE UNDER CERTAIN CIRCUMSTANCES; AND GENERALLY RELATING TO LITTER CONTROL IN BALTIMORE CITY.

BY ADDING

ARTICLE - 11 HEALTH

SUBTITLE - TO BE UNDER NEW SUBTITLE "LITTER CONTROL"

SECTION 264

BALTIMORE CITY CODE (1983 REPLACEMENT VOLUME, AS AMENDED

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, THAT SECTION(S) OF THE BALTIMORE CITY CODE (1983 REPLACEMENT VOLUME, AS AMENDED) BE ADDED, REPEALED, OR AMENDED, TO READ AS FOLLOWS:

ARTICLE 11 - HEALTH

LITTER CONTROL

264. LITTER CONTROL.

(A) PURPOSE. IT IS THE PURPOSE OF THIS SUBTITLE TO PROTECT THE SAFETY, HEALTH, AND WELFARE OF THE CITIZENS OF BALTIMORE CITY BY PROHIBITING LITTERING AND THE ACCUMULATION OF LITTER ON PUBLIC AND PRIVATE PROPERTY.

(B) DEFINITIONS. AS USED IN THIS SUBTITLE THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED UNLESS THE CONTEXT REQUIRES A DIFFERENT MEANING.

(1) "CITATION" MEANS A WRITTEN OR PRINTED SUMMONS SERVED UPON THE PERSON CHARGED WITH A VIOLATION OF THIS SUBTITLE.

(2) "DISPOSE" MEANS DEPOSIT, DISCARD, DUMP, DISCHARGE, PLACE, CAST, THROW, SCRAP, JUNK OR ABANDON.

(3) "ENFORCEMENT OFFICER" MEANS BUILDING, HOUSING, ZONING, FIRE, ANIMAL CONTROL, HEALTH, AND SANITATION INSPECTORS OR ENFORCEMENT OFFICERS AND ANY SPECIAL ENFORCEMENT OFFICER APPOINTED BY THE POLICE COMMISSIONER OF BALTIMORE CITY IN ACCORDANCE WITH ARTICLE 16-POLICE DEPARTMENT, SECTION 16-16A OF THE CODE OF PUBLIC LOCAL LAWS OF BALTIMORE CITY (1979 EDITION, AS AMENDED).

(4) "LITTER" MEANS ALL RUBBISH, WASTE MATERIAL, REFUSE, GARBAGE, TRASH, DEBRIS, DEAD ANIMALS OR OTHER DISCARDED MATERIALS OF EVERY KIND AND DESCRIPTION.

(5) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, JOINT VENTURE, PERSONAL REPRESENTATIVE, FIDUCIARY, OR ANY OTHER ENTITY.

(6) "POLICE OFFICER" MEANS ANY PERSON WHO, IN THE PERSON'S OFFICIAL CAPACITY, IS AUTHORIZED BY LAW TO MAKE ARRESTS AND WHO IS A MEMBER OF THE BALTIMORE CITY POLICE DEPARTMENT.

(7) "PUBLIC AND PRIVATE PROPERTY" MEANS EVERY STREET, ALLEY, SIDEWALK, EXPRESSWAY, FOOTWAY, HIGHWAY, LANE, RIGHT-OF-WAY, PARK, RECREATIONAL AREA, OPEN SPACE, SCHOOL PROPERTY, ANY BODY OF WATER OR WATERCOURSE OR DOCKS, SHORES, OR BEACHES THEREOF, AND INCLUDES ANY PUBLIC PLACE, AREA, YARD, OR PARKING LOT, OR ANY RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL PROPERTY.

(C) UNLAWFUL ACTIVITIES. A PERSON SHALL NOT DISPOSE OF LITTER OR PERMIT THE ACCUMULATION OF LITTER ON PUBLIC OR PRIVATE PROPERTY UNLESS:

(1) THE PUBLIC OR PRIVATE PROPERTY IS APPROVED BY A GOVERNMENTAL BODY FOR THE DISPOSAL OF LITTER; OR

(2) THE LITTER IS PLACED INTO A LITTER RECEPTACLE LOCATED ON PUBLIC OR PRIVATE PROPERTY.

(D) PENALTIES.

(1) ANY PERSON WHO VIOLATES SUBSECTION (C) SHALL RECEIVE A WRITTEN CITATION AND IS SUBJECT TO A FINE OF \$25.00 FOR EACH OFFENSE. EACH DAY OF SUCH VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE.

(2) IN ADDITION TO A FINE OR IN LIEU OF A FINE, A JUDGE MAY SENTENCE A PERSON CONVICTED UNDER THIS SECTION TO PERFORM COMMUNITY SERVICE ON BEHALF OF THE CITY OF BALTIMORE WHICH MAY INCLUDE CLEANING PROPERTY OF TRASH AND LITTER.

(E) CITATIONS.

(1) FORM. A CITATION ISSUED TO A PERSON UNDER THIS SUBTITLE SHALL BE IN A FORM APPROVED BY THE DISTRICT COURT OF MARYLAND.

(2) ISSUANCE OF CITATION.

(I) WHEN A POLICE OFFICER OR AN ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT A PERSON HAS COMMITTED OR IS COMMITTING A VIOLATION OF SUBSECTION (C) OF THIS SECTION, SUCH OFFICER MAY ISSUE A CITATION TO THE PERSON.

(II) THE POLICE OFFICER OR ENFORCEMENT OFFICER SHALL SERVE THE CITATION ON THE PERSON CHARGED, OR ON AN AUTHORIZED AGENT OF THAT PERSON.

(F) PROCEDURES.

(1) THE PERSON CHARGED MAY GIVE HIS OR HER WRITTEN PROMISE TO APPEAR IN COURT BY SIGNING THE CITATION. IF THE PERSON CHARGED DOES NOT FURNISH SATISFACTORY EVIDENCE OF IDENTITY OR THERE ARE REASONABLE GROUNDS TO BELIEVE THE PERSON CHARGED WILL DISREGARD A WRITTEN PROMISE TO APPEAR, OR THE PERSON REFUSES TO SIGN THE CITATION, THEN THE PERSON MAY BE TAKEN INTO PHYSICAL CUSTODY BY A POLICE OFFICER.

(2) A PERSON RECEIVING A CITATION UNDER THIS SUBTITLE SHALL (I) PAY THE FINE PROVIDED FOR IN THE CITATION DIRECTLY TO THE DIRECTOR OF FINANCE OF THE CITY OF BALTIMORE, OR (II) STAND TRIAL FOR THE VIOLATION.

(3)(I) IF A PERSON ELECTS TO STAND TRIAL FOR THE OFFENSE CHARGED IN THE CITATION, THE PERSON SHALL NOTIFY THE

DIRECTOR OF FINANCE OF THE INTENTION TO STAND TRIAL AS SET FORTH IN THE CITATION.

(II) UPON RECEIPT OF THE NOTICE OF INTENTION TO STAND TRIAL, THE DIRECTOR OF FINANCE SHALL FORWARD TO THE DISTRICT COURT A COPY OF THE NOTICE FROM THE PERSON WHO RECEIVED THE CITATION INDICATING THE PERSON'S INTENTION TO STAND TRIAL.

(4)(I) IF A PERSON RECEIVING THE CITATION FOR A VIOLATION FAILS TO PAY THE FINE BY THE DATE SET FORTH IN THE CITATION AND FAILS TO FILE A NOTICE OF INTENTION TO STAND TRIAL FOR THE OFFENSE, A NOTICE OF VIOLATION SHALL BE SENT TO THE PERSON'S LAST KNOWN ADDRESS.

(II) IF THE CITATION HAS NOT BEEN SATISFIED WITHIN THE TIME SPECIFIED IN THE NOTICE, THE DIRECTOR OF FINANCE SHALL REQUEST THE DISTRICT COURT TO SCHEDULE THE CASE FOR TRIAL.

(G) RULES AND REGULATIONS. THE COMMISSIONER OF HEALTH, THE DIRECTOR OF FINANCE, THE COMMISSIONER OF THE NEIGHBORHOOD PROGRESS ADMINISTRATION, THE CHIEF OF THE FIRE DEPARTMENT AND THE POLICE COMMISSIONER, IN CONJUNCTION, MAY ADOPT RULES AND REGULATIONS AND ADMINISTRATIVE PROCEDURES INCLUDING, BUT NOT LIMITED TO, WARNING CITATION GUIDELINES, FOR THE ENFORCEMENT OF THIS SUBTITLE.

(H) NOTICE. IF ANY VIOLATION OF SUBSECTION (C) OF THIS SECTION WOULD ALSO BE A VIOLATION OF ANY OTHER PROVISION OF THE BALTIMORE CITY CODE AND SUCH OTHER PROVISION REQUIRES NOTICE, SUCH NOTICE SHALL BE GIVEN PRIOR TO THE ISSUANCE OF A CITATION PURSUANT TO THIS SECTION.

SECTION 2. AND BE IT FURTHER ORDAINED, THAT IF ANY PROVISION OF THIS ORDINANCE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID FOR ANY REASON IN A COURT OF COMPETENT JURISDICTION, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR ANY OTHER APPLICATION OF THIS ORDINANCE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND FOR THIS PURPOSE THE PROVISIONS OF THE ORDINANCE ARE DECLARED SEVERABLE.

SECTION. 3. AND BE IT FURTHER ORDAINED, THAT THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER THE DATE OF ITS ENACTMENT.

Approved July 17, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 504

(Council No. 633)

AN ORDINANCE concerning

EARLY RETIREMENTS—CLASS C MEMBERS

FOR the purpose of providing that a member with 30 years of service may retire with maximum pension benefits regardless of age if the member is removed from a REGULAR permanent position without fault on his or her part.

BY adding

Article 22—Retirement Systems

Subtitle—Employees' Retirement System

Section 9(f)(2b)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 22—RETIREMENTS SYSTEMS

Employees' Retirement System

9. Class C membership.

(f) Early retirement.

(2b) Notwithstanding anything to the contrary in this subtitle, should a Class C member be removed from a regular permanent position of the City without fault on his or her part after the acquisition of 30 years of service, but has not attained the age of 65, such member shall be entitled to receive a retirement benefit equal to the pension the member would receive if he or she were retiring at the normal retirement date of age 65 BASED ON THE ACTUAL YEARS OF SERVICE CREDIT AND EQUAL TO THE PENSION THE MEMBER WOULD RECEIVE IF HE OR SHE HAD ALREADY ATTAINED THE AGE OF 65. THE NORMAL RETIREMENT AGE. THE REDUCTIONS CONTAINED IN SECTION 9(F)(II) AND 9F(1) PARAGRAPH 2 OF THIS SUBTITLE SHALL NOT APPLY. HOWEVER, ANY MILITARY LEAVE CREDIT CLAIM SHALL CONTINUE TO BE SUBJECT TO THE CONDITIONS CONTAINED IN SECTION 9(D)(2) OF THIS SUBTITLE.

SEC. 2. *And be it further ordained, That this ordinance shall take effect on* July 1, 1985.

Approved August 2, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 505

(Council No. 611)

AN ORDINANCE concerning

ASSESSMENT FOR PAVING ALLEYS

~~FOR the purpose of repealing and reordaining with amendments Section 3 of Article 26 of the Baltimore City Code (1983 Replacement Volume) whereby~~
FOR THE PURPOSE OF ALTERING the assessment charge for IMPROVEMENTS TO alleys abutting along the side of CORNER LOT properties. ~~would be one-third of the total footage abutting said alley.~~

~~SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That Section 3 of Article 26 of the Baltimore City Code (1983 Replacement Volume) titled "Streets and Highways," Subtitle "Alleys," be and hereby repealed and reordained with amendments to read as follows:~~

BY REPEALING AND REORDAINING WITH AMENDMENTS

ARTICLE 26 - STREETS AND HIGHWAYS

SUBTITLE - ALLEYS

SECTION 3

BALTIMORE CITY CODE (1983 REPLACEMENT VOLUME, AS AMENDED)

SECTION 1. *BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE*, THAT SECTION(S) OF THE BALTIMORE CITY CODE (1983 REPLACEMENT VOLUME, AS AMENDED) BE ADDED, REPEALED, OR AMENDED, TO READ AS FOLLOWS:

ARTICLE 26 - STREETS AND HIGHWAYS

ALLEYS

3. Notice and list of assessments.

After any contract for the work of grading, paving, or curbing an alley or part thereof shall have been awarded in a manner provided by the law, the said Director of Public Works shall assess the costs thereof upon the property binding on the said alley or any part thereof so to be graded, paved, or curbed equally in amount to such part of the said expense as the aforesaid Director of Public Works with the concurrence of the Board of Estimates in its discretion shall determine is to be borne by the owner or owners of such property, and the said Director of Public Works shall apportion the said costs so that the several lots of ground binding on both sides of said alley or part thereof to be graded, paved, or curbed shall become liable for pro rata parts thereof according to the frontage of said property thereon. In counting the number of feet which any property abuts upon the alley to be paved, the actual number of such feet shall be taken as to all lots having their front or rear upon said alley, but corner lots, having their front on some intersecting or crossing alley and having their side upon the alley to be paved, shall NOT be counted for *only one-third of* the length of such side, and

the property owners share of the expense of paving such alley shall be divided equally in proportion to the number of feet abutting upon such alley counting as herein directed; provided that [IF AN END-OF-GROUP LOT OWNER HAS PAID FOR THE PAVING OF A FRONT OR REAR ALLEY WITHIN FIVE PREVIOUS YEARS, THEN THE ASSESSMENT FOR PAVING A SIDE ALLEY SHALL BE WAIVED. ~~the~~ THE] the cost of paving alleys under the provisions of this ordinance shall be assessed in the aforementioned proportion upon the abutting property owners in every case, in no instance, however, to exceed two-thirds of said cost, and the said Director of Public Works shall then prepare a statement showing the amount of assessment upon each of the aforesaid lots of ground.

SEC. 2. *Be it further ordained*, That all ordinances and parts of local laws applicable to Baltimore City, inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved August 19, 1985

No. 506

(Council No. 921)

AN ORDINANCE concerning

ECONOMIC DEVELOPMENT REVENUE BONDS

N. M. CARROLL UNITED METHODIST HOME FOR THE AGED PROJECT

FOR the purpose of authorizing and providing for the issuance, sale and delivery by Mayor and City Council of Baltimore (the "City") of its revenue bonds in an aggregate principal amount not to exceed \$1,500,000 pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision, as amended), the Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), or such other statutory authority as may be effective when such revenue bonds are issued, in order to lend or otherwise make available the proceeds thereof to N. M. Carroll United Methodist Home for the Aged, Inc., a Maryland non-profit corporation (the "Corporation"), for the purpose of financing the costs of acquisition of a long-term care health facility for the elderly, including comprehensive care beds, chronic care beds, domiciliary beds and a medical day care center and related facilities to be located on the northwest corner of Mosher and Gilmor Streets and to consist an approximately 1.5 acre tract of land and an approximately 51,000 square foot building and necessary or useful equipment, furnishings and other property; authorizing the acceptance of a letter of intent as evidence of the present intent of the City to issue such revenue bonds; making certain legislative findings, among others, concerning the public benefit and purpose of such revenue bonds; providing that

the principal amount of such revenue bonds and the interest thereon (a) shall be payable solely from the revenues to be received in connection with the financing of such facilities and from any other money made available to the City for such purpose as provided in this Ordinance, and (b) shall never constitute an indebtedness or a charge against the full faith and credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and shall never constitute or give rise to any pecuniary liability of the City; authorizing the private (negotiated) sale of such revenue bonds; authorizing the Board of Finance, by resolution, order or otherwise, if the bonds are issued under the Enabling Law or the Mayor of the City, by executive order, if the Bonds are issued under the Act to specify, determine, provide for and approve all other matters, details, forms, documents and procedures pertaining to the authorization, sale, security, issuance, delivery and payment of and for such revenue bonds; and generally providing for and determining various matters in connection with the authorization, issuance, sale, delivery, security and payment of such revenue bonds and the consummation of the transactions contemplated by this Ordinance.

RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision, as amended) (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes or other obligations (including, without limitation, refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (1) the revenues from or arising in connection with the property, facilities, developments and improvements the financing of which is undertaken by the issuance of such bonds, notes or other obligations, (2) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (3) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (4) any combination of (1), (2) or (3) above. The purposes, objects and powers of the City contemplated by the Enabling Law include relieving conditions of unemployment in the City, encouraging the increase of industry and a balanced economy in the City, promoting economic development in the City and promoting the health, welfare and safety of the residents of the City.

The Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement) (the "Act"), empowers the counties and municipalities of the State of Maryland to borrow money by issuing revenue bonds for the purpose of financing and refinancing the costs of "acquisition" of one or more "facilities" for one or more "facility users" (as such terms are defined in the Act). Among the declared legislative purposes of the Act are the relief of conditions of unemployment in the State of Maryland (the "State"), the encouragement of the increase of industry and commerce and a balanced economy in the State, the promotion of economic development and the promotion of the

health, welfare and safety of the residents of each of the counties and municipalities of the State.

N. M. Carroll United Methodist Home for the Aged, Inc., a Maryland non-profit corporation (the "Corporation"), has submitted a letter of intent (the "Letter of Intent") to the City in which the Corporation requested the City to issue its revenue bonds in a principal amount not exceeding \$1,500,000 and to loan the proceeds thereof to the Corporation in order to finance the costs of acquisition of the facilities described below (the "Facilities").

The Facilities will consist generally of the acquisition of a long-term care health facility for the elderly, including comprehensive care beds, chronic care beds, domiciliary beds and a medical day care center and related facilities to be located on the northwest corner of Mosher and Gilmor Streets and to consist of land and an approximately 51,000 square foot building the acquisition and installation of any and all equipment, furnishings and other improvements as may be necessary or useful in connection with the operation of such facility and the acquisition of such other interests in land as may be necessary or useful for the foregoing, including roads and rights of access, utilities and other necessary site preparation.

The City has determined to authorize the issuance of its revenue bonds pursuant to the Enabling Law or the Act to finance the Facilities upon the terms and conditions of this Resolution.

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That, acting pursuant to the Enabling Law and the Act, it is hereby found and determined as follows:

(a) The City intends to issue and sell its revenue bonds, notes or other evidences of obligation authorized by the Enabling Law and the Act (the "Bonds") in an aggregate principal amount not to exceed \$1,500,000 in order to lend or otherwise make available the proceeds thereof (the "Loan") to the Corporation for the purpose of financing the acquisition of the Facilities. The Facilities shall include such land or interests in land, buildings, structures, machinery, equipment, furnishings and other real or personal property as may be necessary or desirable in connection with the operation of the Facilities and as shall be specified in the resolution of the Board of Finance, if the Bonds are issued under the Enabling Law or in the executive order of the Mayor of the City, if the Bonds are issued under the Act hereinafter provided for. The term "acquisition" shall have the meaning prescribed in the Act and shall include acquisition, construction, reconstruction, equipping, expansion, extension, improving, rehabilitation and remodeling.

(b) The Facilities constitute "facilities" within the meaning of the Act and an "undertaking" within the meaning of the Enabling Law. The Corporation constitutes a "facility applicant" and a "facility user" within the meaning of the Act, as evidenced by the Letter of Intent.

(c) The issuance, sale and delivery of the Bonds will promote and expedite the acquisition of the Facilities. The accomplishment of the transactions contemplated and authorized by this Ordinance, including (without limitation) the ac-

quisition of the Facilities and the financing thereof, will promote the declared legislative purposes of the Enabling Law and the Act by relieving conditions of unemployment in the City and the State, encouraging the increase of industry and commerce and a balanced economy in the City and the State, assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the City and the State, promoting economic development and generally promoting the health, welfare and safety of the residents of the City and the State.

(d) The principal of, and premium, if any, and interest on the Bonds shall never constitute an indebtedness or a charge against the full faith and credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and shall never constitute or give rise to any pecuniary liability of the City. The Bonds shall be limited obligations of the City, the principal of, and premium, if any, and interest on which shall be payable solely from and secured solely by a pledge of (1) the revenues from or arising in connection with the Facilities, (2) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (3) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (4) any combination of (1), (2) or (3) above, and any other moneys made available to the City for such purpose, all as more particularly prescribed by the Board of Finance by a resolution or resolutions if the Bonds are issued under the Enabling Law or by the Mayor of the City by an executive order or executive orders if the Bonds are issued under the Act, adopted or issued prior to the issuance, sale and delivery of the Bonds in accordance with the further provisions of this Ordinance.

(e) Neither the proceeds of the Bonds nor the payments on account of the principal of and premium, if any, and interest on the Bonds will be commingled with the City's funds or subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable to ensure that the proceeds of the Bonds are used to accomplish the public purposes of the Enabling Law, the Act and this Ordinance.

SEC. 2. *And be it further ordained*, That, the Mayor is hereby authorized to accept, on behalf of the City, the Letter of Intent to evidence the City's intent to issue the Bonds as provided in this Ordinance. The City contemplates that the Corporation may proceed with the acquisition of the Facilities prior to the issuance of the Bonds.

SEC. 3 *And be it further ordained*, That the City is hereby authorized to issue, sell and deliver the Bonds in an aggregate principal amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) pursuant to the Enabling Law, the Act or such other statutory authority as may be effective when the Bonds are issued. The proceeds of the Bonds shall be loaned or otherwise made available to the Corporation for the purpose of financing the acquisition of the Facilities, including (without limitation) the expenses of preparing, printing, selling and issuing the Bonds, the funding of any reserves in connection with the Bonds and the payment of interest prior to and during the period of acquisition of the Facilities and for such a limited period thereafter as may be determined by

the Board of Finance by resolution if the Bonds are issued under the Enabling Law or by the Mayor of the City by executive order if the Bonds are issued under the Act in accordance with the further provisions of this Ordinance within the limitations of the Enabling Law and the Act. The Bonds may be issued in one or more series.

The authority to issue the Bonds is intended to and shall include the authority to issue revenue refunding bonds, and references herein to the "Bonds" shall include revenue refunding bonds where appropriate. In the event that any revenue refunding bonds are issued, the outstanding principal amount of any "refunded bonds" (as hereinafter defined) shall not be taken into account in determining the aggregate principal amount of Bonds issued, sold and delivered hereunder. The term "refunded bonds" means any Bonds (i) for the payment of which (both principal and interest) provision has been made from the proceeds (including any earnings on the investment thereof) of Bonds issued pursuant to this Resolution or from moneys made available by the Corporation or (ii) which have been paid from such proceeds or such moneys, whether such provision for payment, or such payment, is made at or prior to the maturity of such Bonds.

SEC. 4. *And be it further ordained,* That the Board of Finance if the Bonds are issued under the Enabling Law or the Mayor of the City if the Bonds are issued under the Act is hereby authorized to specify, prescribe, determine, provide for or approve, all within the limitations of this Ordinance and the Enabling Law and the Act, all matters, details, forms, documents and procedures pertaining to the sale, security, issuance, delivery and payment of or for the Bonds, including (without limitation):

(a) the principal amount of Bonds to be issued at any one time and from time to time, the rates or rates of interest thereon, the date or dates of maturity thereof, the payment provisions therefor, the prepayment, sinking fund and redemption provisions (if any) thereof, the designation or designations of the Bonds of each series and the date or dates of issuance thereof;

(b) the form, tenor, terms and conditions of the Bonds, and provisions for the registration and transfer of the Bonds (if any);

(c) the form and contents of, and provisions for the execution and delivery of, such financing documents as the Board of Finance or the Mayor of the City shall deem necessary or desirable to evidence, secure or effectuate the Loan and the issuance, sale and delivery of the Bonds, including (without limitation) any loan agreements, notes, mortgages, security agreements, guarantees, financing agreements or escrow agreements;

(d) provision for the payment directly by the Corporation of all expenses of preparing, printing and selling the Bonds, including (without limitation) any and all costs, fees and expenses incurred by or on behalf of the City in connection with the authorization, issuance, sale and delivery of the Bonds, and all costs incurred in connection with the development of the appropriate legal documents, including (without limitation) the fees of counsel to the City and compensation to any persons (other than full-time employees of the City) or entities performing services for or on behalf of the City in connection therewith and in connection

with all other transactions contemplated by this Ordinance, whether or not the proposed financing is consummated;

(e) the creation of security for the Bonds and provision for the administration of the Bonds, including (without limitation) the appointment of such trustees, escrow agents, paying agents, registrars or other agents as the Board of Finance or the Mayor of the City shall deem necessary or desirable to effectuate the transactions authorized hereby;

(f) the preparation and distribution, in conjunction with representatives of the Corporation and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement, placement memorandum or offering circular in connection with the sale of the Bonds of any series, if such preliminary and final official statement, placement memorandum or offering circular are determined to be necessary or desirable for the sale of the Bonds of such series;

(g) the form and content of, and provisions for the execution and delivery of, a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof); and

(h) such other matters in connection with the authorization, issuance, execution, sale, delivery and payment of the Bonds and the security for the Bonds and the Loan and the consummation of the transactions contemplated by this Ordinance as may be deemed appropriate and approved by Board of Finances or the Mayor of the City, including (without limitation) establishing procedures for the execution, acknowledgement, sealing and delivery of such other and further agreements, documents and instruments, and the authorization of the officials of the City to take any and all actions, as are or may be necessary or appropriate to consummate the transactions contemplated by this Ordinance in accordance with the Enabling Law, the Act and this Ordinance.

The Board of Finance or the Mayor of the City is authorized to prescribe procedures to facilitate the prompt determination and approval of one or more of the matters set forth above. Such procedures may include telephonic approval and subsequent telegraphic or written confirmation of one or more of such matters by a designated officer of the City within guidelines or parameters prescribed by the Board of Finance or the Mayor of the City. The Board of Finance or the Mayor of the City is further authorized (1) to establish procedures for the utilization of variable or floating rates of interest, (2) to enter into arrangements with a bank or other appropriate institution to facilitate the purchase, repurchase, sale, transfer or payment of Bonds, including (without limitation) the use of general or standby letters of credit, revolving credit facilities, repurchase agreements or other similar arrangements, and (3) to take such actions as may be necessary to implement a program for the issuance of Bonds in the nature of commercial paper, demand notes and floating rate obligations.

Each resolution or executive order issued pursuant to this Resolution shall be deemed to be of an administrative nature and shall be effective upon the effective date specified therein.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law and the Act, the Bonds shall be sold at private (negotiated) sale and at par, unless the Board of Finance or the Mayor of the City deems it to be in the best interests of the City to sell the Bonds at public sale or above or below par, in which event the Bonds shall be sold in such manner, at such price or prices and upon such terms as the Board of Finance or the Mayor of the City deems to be in the best interests of the City. The Bonds shall be sold at such times and on such dates as the Board of Finance or the Mayor of the City may determine. The Bonds shall be sold to one or more persons, firms or corporations (including banks or other financial institutions) as determined by the Board of Finance or the Mayor of the City with the consent of the Corporation.

SEC. 6. *And be it further ordained*, That the Bonds shall be executed in the name of the City and on its behalf by the manual or facsimile signature of the Mayor and the manual or facsimile signature of the Custodian or Alternate Custodian of the City Seal, and the seal of the City or a facsimile thereof shall be affixed thereto. In case any official of the City whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such official before the delivery of the Bonds or any of the aforesaid documents, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such official had remained in office until delivery.

SEC. 7. *And be it further ordained*, That the Corporation shall agree that:

(a) It will submit any plans and specifications for the Facilities to the Department of Housing and Community Development for approval, with the understanding that the Department of Housing and Community Development may consider, without limitation: the economic feasibility of any construction and the suitability of any site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks and harmony between the plans and the surroundings of the Facilities and that the Department of Housing and Community Development may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

(b) The Corporation and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building and landscape design.

SEC. 8. *And be it further ordained*, That, if no Bonds are issued and sold within the earlier of (1) six months from the date on which this Ordinance is approved by the Board of Finance or the Mayor or Acting Mayor of the City or (2) December 31, 1985, the authorization provided in this Ordinance for the City to issue and sell the Bonds shall expire; provided, however, that the Board of Finance or the Mayor of the City, after a showing of good cause at a public hearing held before the Board of Finance or the Mayor of the City or his duly authorized representative, may extend such authorization for one additional term not to exceed six months. The Board of Estimates or the Mayor of the City, in their or his sole discretion, shall determine the sufficiency, or lack thereof, of the reasons

presented for any requested extension of this Ordinance. If an extension is granted, notice of such extension and the reasons therefor shall be sent to the City Council.

SEC. 9. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part thereof shall be held to be illegal, invalid or unconstitutional or inapplicable to any person, entity or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance or their application to other persons, entities or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person, entity or circumstances to which this Ordinance or any part thereof is inapplicable had been specifically exempted therefrom; provided, however, that neither the principal of or premium, if any, nor the interest on the Bonds shall ever constitute an indebtedness of the City or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation or shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 10. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved August 28, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 507

(Council No. 662)

AN ORDINANCE concerning

DICKEY HILL FOREST APARTMENTS - P.U.D.

FOR the purpose of approving the application of TWO Associates Limited Partnership to have the property located north of Windsor Mill Road and east of Forest Park Avenue, as outlined in red on the AMENDED plat accompanying this ordinance, designated a Residential Planned Development in accordance with Sections 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1984 Edition), and to approve the development plan submitted by TWO Associates Limited Partnership AND TO REPEAL ORDINANCE NO. 560, APPROVED MARCH 19, 1974 AND ORDINANCE NO. 156, APPROVED AUGUST 12, 1976.

WHEREAS, TWO Associates Limited Partnership, of Baltimore City, has met with the Director of Planning, the designated officer of the Planning Commission of Baltimore City, to hold a Pre-petition Conference to explain the scope and

nature of the proposed development on the property in order to institute proceedings to have said property designated a Residential Planned Development; and

WHEREAS, together herewith, TWO Associates Limited Partnership makes formal application to the City Council of Baltimore City; and

WHEREAS, TWO Associates Limited Partnership shall submit the requisite development plans including those requirements specified by Sections 12.0-1 and 12.0-2 of Article 30 of the Code (1984 Edition) to the City Council of Baltimore after the Planning Commission of Baltimore City has made their formal recommendation and before the first public hearing.

NOW, THEREFORE,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* the application of TWO Associates Limited Partnership to designate the property located north of Windsor Mill Road and east of Forest Park Avenue, as outlined in red on the AMENDED plat accompanying this ordinance, as a Residential Planned Development pursuant to Article 30, Sections 12.0-1 and 12.0-2 of the Baltimore City Code (1984 Edition), be and is hereby approved.

SEC. 2. *And be it further ordained, That* the development plan submitted by TWO Associates Limited Partnership be and is hereby approved by the City Council of Baltimore City and is hereby made a part hereof.

SEC. 3. *And be it further ordained, That* subsequent to the passage of this Ordinance by the City Council, all changes in the approved development plan for the development of the property shall be reviewed and approved by the Planning Commission for insurance of such changes consistent with this ordinance.

SEC. 4. *AND BE IT FURTHER ORDAINED, THAT* ANY AMENDMENT TO THE DEVELOPMENT PLAN WHICH DOES NOT OTHERWISE REQUIRE CITY COUNCIL APPROVAL SHALL NONETHELESS BE SUBMITTED TO THE PLANNING COMMISSION AND THE FIFTH DISTRICT COUNCIL MEMBERS FOR REVIEW AND APPROVAL.

SEC. 4 5. *And be it further ordained, That* upon passage of this Ordinance by the City Council, as evidence of the authenticity of each set of development plans which is a part hereof, and approved hereby, and in order to give notice to the departments which are administering the Zoning Ordinance, said set of development plans shall be signed by the President of the City Council, and, upon approval of the ordinance by the Mayor, said sets of development plans shall be signed by the Mayor of the City of Baltimore, and the City Treasurer shall transmit a copy of the Ordinance and one set of development plans to the Board of Municipal and Zoning Appeals, a copy of the ordinance and one set of development plans to the Planning Commission, and a copy of the ordinance and one set of development plans to the Zoning Administrator of Baltimore City.

SEC. 6. *AND BE IT FURTHER ORDAINED, THAT* ORDINANCE NO. 560, APPROVED MARCH 29, 1974, AND ORDINANCE NO. 156, APPROVED AUGUST 12, 1976, BE AND THEY ARE HEREBY REPEALED.

SEC. 5 7. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 508

(Council No. 638)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE
PARKING LOT—FOREST HILL AVENUE TO THE
REAR OF 2829-2833 GEORGETOWN ROAD

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property known as Forest Hill Avenue to the rear of 2829-2833 Georgetown Road, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30—Zoning

Sections 4.4-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property known as Forest Hill Avenue to the rear of 2829-2833 Georgetown Road, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.4-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 509

(Council No. 673)

AN ORDINANCE concerning

CENTRAL BUSINESS AND COMMERCIAL DISTRICTS

FOR the purpose of ~~permitting~~ ADDING the manufacture of apparel ~~and canvas~~ products and ~~trade schools in the B-4 and B-5 Districts and adding dry cleaning~~ establishments to the list of conditional uses in the B-4 District, AND ADDING NURSING HOMES TO THE LIST OF CONDITIONAL USES REQUIRING AN ORDINANCE IN THE B-4 DISTRICT.

BY adding

Article 30 - Zoning

Chapter 6 - Business Districts

Sections ~~6.4-1b-1/2, 6.4-1b-1a, 6.4-1b-18a~~ 6.4-1C-1/2, 6.4-1c-1a, 6.4-1D-10

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30 - ZONING

Chapter 6 - Business Districts

6.4 B-4 Central Business District.

6.4-1 Use Regulations.

b. Permitted uses:

~~1/2. Apparel and other finished products - manufacturing~~~~1a. Canvas products - manufacturing~~~~18a. Schools, trade~~

c. Conditional uses.

1/2. APPAREL AND OTHER FINISHED PRODUCTS - MANUFACTURING

1a. Dry cleaning establishments

D. 10. CONVALESCENT, NURSING AND REST HOMES.

SEC. 2. *And be it further ordained, That* this ordinance shall take effect on the 30th day after the date of its enactment.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 510

(Council No. 699)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
HOME FOR THE HOMELESS - 2926 HARFORD ROAD

FOR the purpose of granting permission for the establishment, maintenance and operation of a non-profit home for the shelter of homeless persons on the property known as 2926 Harford Road, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 4.8-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted to Antioch Community Church of God, Inc., for the establishment, maintenance and operation of a non-profit home for the shelter of homeless persons on the property known as 2926 Harford Road, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8-1d and 11.06d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That whenever the continuous operation of such use has been discontinued for a period of twelve (12) consecutive months, it shall not be thereafter re-established unless a new ordinance is approved by the Mayor and City Council of Baltimore.

SEC. 3. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments of Baltimore City and the Zoning Administrator.

SEC. 4. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 511

(Council No. 800)

AN ORDINANCE concerning

**ZONING – APPROVAL FOR CONDITIONAL USE
HOUSING FOR ELDERLY – HOLLINS STREET**

FOR the purpose of granting permission for the establishment, maintenance and operation of housing for the elderly on the property bounded by Monroe, Hollins, Fulton and Booth Streets, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 – Zoning

Sections 4.8-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of housing for the elderly on the property bounded by Monroe, Hollins, Fulton and Booth Streets, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8.1-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 512

(Council No. 383)

AN ORDINANCE concerning

REZONING - 3615 NORTHERN PARKWAY

For the purpose of changing the zoning for the property known as 3615 Northern Parkway from the B-3-1 Zoning District to the B-1-1 Zoning District as outlined in red on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 10

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 10 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the B-3-1 Zoning District to the B-1-1 Zoning District the property known as 3615 Northern Parkway as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect thirty days from the date of its enactment.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 513

(Council No. 698)

AN ORDINANCE concerning

REZONING - 2920 AND 2926 HARFORD ROAD

FOR the purpose of changing the zoning for the ~~property~~ PROPERTIES known as 2920 AND 2926 Harford Road, from the B-1-2 Zoning District to the R-8 Zoning District as outlined in red, and from the R-7 to the R-8 Zoning District as outlined in blue on the AMENDED plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 37

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 37 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the B-1-2 Zoning District to the R-8 Zoning District as outlined in red, and from the R-7 to the R-8 Zoning District as outlined in blue on the AMENDED plats accompanying this ordinance the ~~property~~ PROPERTIES known as 2920 AND 2926 Harford Road.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 514

(Council No. 729)

AN ORDINANCE concerning

REZONING—4700-4728 YORK ROAD AND
412-414 COLDSPRING LANE

FOR the purpose of changing the zoning for the properties known as 4700-4728 York Road and 412-414 Coldspring Lane, from the O-R-1 Zoning District to the R-6 Zoning District as outlined in red, on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 16

Article 30—Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 16 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the O-R-1 Zoning District to the R-6 Zoning District the properties known as 4700-4728 York Road and 412-414 Coldspring Lane, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved October 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 515

(Council No. 694)

AN ORDINANCE concerning

REZONING - 1137-1147 S. HANOVER STREET

FOR the purpose of changing the zoning for the properties known as 1137-1147 S. Hanover Street, from the R-8 Zoning District to the O-R-2 Zoning District as outlined in red, on the plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 66

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Sheet No. 66 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-8 Zoning District to the O-R-2 Zoning District the properties known as 1137-1147 S. Hanover Street, as outlined in red on the plats accompanying this ordinance.

SEC. 2. *And be it further ordained, That* upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained, That* this ordinance shall take effect on the 30th day from the date of its enactment.

Approved October 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 516

(Council No. 741)

AN ORDINANCE concerning

CITY MARKETS

FOR the purpose of providing that the Director of Finance shall collect the assessment fees from the stall owners and maintain a special fund account for each Market Association; and authorizing the Director of Finance to charge a fee for certain services rendered to the Market Associations.

BY adding

Article 16 – Markets

Subtitle – Markets

Section 17(e)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:*

Article 16 – Markets

Markets

17. Market Associations.

(e) Special fund accounts.

(1) The Director of Finance shall collect the assessment fees from the stall owners of the markets and shall maintain a special fund account for each public market to which are credited the collections from that market.

(2) The assessment fees collected from the stall owners in any one of the markets shall be transferred to the appropriate Market Association according to the terms of the agreement made between that Market Association and the Director of Finance.

(3) The fund comprised of the assessment fees collected for a public market in accordance with this section shall be utilized solely for purposes determined by the stall owners of that market.

(4) With the approval of the Board of Estimates, the Director of Finance may set a reasonable fee to be charged to each Market Association for the collection, accounting and administrative services performed by the City, in an amount not to exceed the actual cost of said services.

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the 30th day after the date of its enactment.*

Approved October 1, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 517

(Council No. 935)

AN ORDINANCE concerning

CITY PROPERTY – SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell (1) that portion of Inter-State Highway I-95 (a Limited Access Highway) between Station No. 298 plus 70.00 and Station No. 235 plus 50.00 more particularly described on Highway Plat No. 346-A-1, Sheets 1 through 15, filed in the office of the Director of Public Works; extending generally from the vicinity of McComas and Hanover Streets to the vicinity of Keith Avenue and Newkirk Street, Baltimore, Maryland; and (2) approximately 148.69 acres of land, abutting 4801 Newgate Avenue, City Block 6917, Lot 10 and 6917-A, Lot 1 more particularly described on Plat No. I-95-367, filed in the office of the Director of Public Works, to the Maryland Transportation Authority to the use of the State of Maryland; both sales being pursuant to an Agreement and Addenda between Mayor and City Council of Baltimore and the Maryland Transportation Authority.

BY authority of
Article II – General Powers
Section (47)
Baltimore City Charter (1964 Revision as amended)

RECITALS

A. By Agreement dated August 12, 1981 ("Agreement") by and between the Mayor and City Council of Baltimore ("City") and the Maryland Transportation Authority ("Authority"), approved by the Board of Estimates on the same day, the City agreed to convey a portion of Inter-State Highway I-95 a Limited Access Highway ("Highway") from an area east of Hanover Street to an area east of Clinton Street, including a tunnel under the northwest branch of the Patapsco River in the vicinity of Fort McHenry (all of which construction, land on which the highway is situate and appurtenances to both construction and highway are hereinafter referred to as "Project"), to the Authority.

B. The Agreement provided that City would utilize federal advances to finance that portion of land acquisition and construction costs not paid for by the United States Department of Transportation ("FWHA"). The Agreement anticipated that FWHA would provide 90% of total costs.

C. The Agreement further provided that the Authority would pay the City's share of construction costs of the Project in an amount not to exceed \$90,000,000.00.

D. The Agreement further provided that City would convey all of its right, title and interest in the Canton-Seagirt dredge disposal Site (the "Site") to the Authority. This area consists of approximately 148.69 acres of fast land and newly constructed filled land. Conveyance of the Site was to be simultaneous with

conveyance of the project and the Authority was to have paid the sum of \$60,000.00 per year to the City in each year that the revenues generated by the Site exceed operating and non-operating expenses of the Site by \$1,000,000.00 per annum.

E. By Addendum No. 1 to the Agreement, approved by the Board of Estimates on May 10, 1984, the City agreed to issue revenue notes ("Revenue Notes") to finance construction and acquisition of that portion of the Project known as the "Toll Collection Facilities" since FWHA would not fund the same. Ordinance No. 26 approved March 14, 1984 authorized the sale of such notes in the amount of \$19,800,000.00. The Revenue Notes were duly sold and proceeds applied to acquisition and construction of the Toll Collection Facilities. By further terms of Addendum No. 1, the Authority agreed to reimburse City for its expenditures in connection with the Toll Collection Facilities in an amount not to exceed \$19,800,000.00 with final payment by the Authority to the City to take place on December 10, 1986.

F. By Addendum No. 2, dated October 1, 1984 and duly approved by the Board of Estimates, the Authority agreed to accept the Site in a condition other than that called for in the Agreement and City agreed to forgo the \$60,000.00 per annum payment above recited.

G. The Authority is in the process of issuing revenue bonds to reimburse FWHA for the 10% local share of Project costs set forth in Recital C hereof. The revenues relied upon will be those derived from a toll facility operated by the Authority in the Fort McHenry Tunnel portion of the highway.

H. The City has the authority to convey the Project and the Site under Article II, Section (47) of the Baltimore City Charter (1964 revision as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the above Recitals are hereby adopted as findings of fact.

SEC. 2. *Be it further ordained*, That the Mayor and City Council of Baltimore be and it is hereby authorized to convey the Project to the Maryland Transportation Authority to the use of the State of Maryland. The land, air rights and easement areas comprising a portion of the Project are set forth on Plat No. 346-A-1, Sheets 1 through 15, filed in the office of the Director of Public Works, and extend generally from the vicinity of McComas and Hanover Streets to the vicinity of Keith Avenue and Newkirk Street in Baltimore City between Station No. 298 plus 70.00 and Station No. 235 plus 50.00 shown on said plat.

SEC. 3. *Be it further ordained*, That the Mayor and City Council of Baltimore be and is hereby authorized to convey all of its interest in the Site set forth on Plat I-95-367, filed in the office of the Director of Public Works, located generally in the vicinity of 4801 Newgate Avenue, City Block 6917, Lot 10 and 6917-A, Lot 1 to the Maryland Transportation Authority to the use of the State of Maryland.

SEC. 4. *Be it further ordained*, That any deed or deeds shall be executed by the Mayor of the City of Baltimore.

SEC. 5. *Be it further ordained*, That no deed or deeds shall pass in accordance herewith until the same shall have been first approved by the City Solicitor.

SEC. 6. *Be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved October 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 518

(Council No. 758)

AN ORDINANCE concerning

GARBAGE DISPOSAL CHARGES

FOR the purpose of repealing the provisions of the Baltimore City Code providing for garbage disposal charges.

BY repealing

Article 28 - Taxes

Subtitle - Garbage Disposal Charges

Section 33

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 28 - TAXES

Garbage Disposal Charges

[33. Provisions.

(a) Imposed. In addition to any other sewer service charge now or hereafter in effect, there is hereby imposed for the year 1960 and all subsequent years an annual charge on or in connection with the use of any and all equipment, apparatus, appliances or machinery which is used for the grinding or shredding of garbage or similar or other materials (hereinafter called "grinding equipment") when the mixture or substance resulting from any such grinding or shredding is discharged into the sewerage facilities of the Mayor and City Council of Baltimore (hereafter called "City") as defined or designated in the subtitle of this Article 28 titled "Sewer Service Charges." Provided, however, that the charge hereby imposed shall not apply to grinding equipment located in any private residence or apartment and used for domestic purposes only.

(b) Charges. The annual charge imposed hereunder shall be at the rate of fifteen dollars (\$15.00) for each one-half (1/2) horsepower, or fraction thereof, of the

rated horsepower of the motor or prime mover which operates each single or individual unit of such grinding equipment. In any and all cases where two or more single or individual units of such grinding equipment are operated by one motor or one other type of prime mover, then the charge imposed hereunder shall be computed on the basis of total horsepower necessary to operate each such single or individual unit at its full capacity.

(c) Owner liable. The owner of the property in or upon which any grinding equipment is located and the property itself shall be liable for the payment of any and all charges imposed under this subtitle. The presence of the grinding equipment referred to in subsection (a) hereof installed in place in or on property shall constitute prima-facie evidence that the equipment is and has been in operation during the period for which the charge imposed hereby is levied, and the burden of proof shall be on the property owner upon whom the charge is imposed to prove that the equipment was not so in operation.

(d) Collections. All charges imposed under this subtitle shall be collected by the Director of Finance and shall be due and payable in quarterly installments on March 31st, June 30th, September 30th and December 31st of each and every year. In the event any one such installment is not paid in full within thirty (30) days after it becomes due and payable, such installment shall be considered delinquent and all water service supplied by the City to the property involved in any particular case shall be subject to turn-off for non-payment of such charge at any time thereafter. Whenever water is shut off for non-payment of the charges imposed hereunder, the sum of five dollars (\$5.00) shall be paid to the Director of Finance before the water supply is turned on again. A penalty at the rate of five per centum (5%) of the unpaid charge shall be added to the amount of the charge imposed hereunder at the time it becomes delinquent, and the total of all such delinquent charges including, but not limited to, the penalty and turn-off and turn-on charges shall be paid before water service is restored. The non-payment of any charge imposed hereunder which is delinquent shall be sufficient reason for terminating all water service and fire supply service furnished by the City to the property involved, even though other water charges against the particular property are not in arrears.

(e) Equipment without permit. The owner of every parcel of property in or upon which any grinding equipment has been or hereafter is installed without having obtained a proper permit to do so from the department or agency of the City having jurisdiction over any such installation, shall, within twenty (20) days after January 1, 1960, or within twenty (20) days after such condition commences, inform the Director of Finance of such condition.

(f) Charges to be liens. The charges imposed under this subtitle, and all increases and penalties thereon, shall be a lien upon the property of any person or other legal entity liable to pay the same to the City and such lien shall be recorded in the Tax Lien Record maintained by the Bureau of Collections.

(g) Regulations. In order to properly carry out and enforce the provisions of this subtitle, and to collect the charges levied and imposed under this subtitle, the Director of Finance is hereby authorized and empowered to make, adopt, promulgate and amend, from time to time, such rules and regulations as he may

deem necessary or proper to carry out and enforce the provisions of this subtitle and to fully collect the charges imposed under this subtitle, and to define or construe any of the terms and provisions used in this subtitle in connection with the imposition or collection of said charges. Copies of said rules and regulations shall be filed with the City Department of Legislative Reference.

(h) Penalty provisions. Every person or other legal entity who shall participate or aid in any manner in the evasion of the charges imposed under this subtitle or any of the rules or regulations made, adopted or promulgated by the Director of Finance under the provisions of this subtitle shall be guilty of a misdemeanor and, upon conviction thereof by any court of competent jurisdiction, shall be subject to a fine of not more than five hundred dollars or imprisonment not exceeding six months, or both, in the discretion of the court, for each such offense.]

SEC. 2. *And be it further ordained, That this Ordinance shall take effect on the 30th day after the date of its enactment.*

Approved October 3, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 519

(Council No. 906)

AN ORDINANCE concerning

ZONING - PLANNED UNIT DEVELOPMENT
CHURCH SQUARE SHOPPING CENTER

FOR the purpose of approving the application of Church Square Limited Partnership, owner of certain property located in Baltimore City on Lot 13 and portions of Lot 14 in the Gay Street Urban Renewal Area bounded by Eager, Bond, Caroline, and Ashland Streets, said property consisting of 2.5 acres, more or less; to have said property designated a Business Planned Unit Development in accordance with Sections 12.0-1 and 12.0-4 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) and to approve the Development Plan submitted by Church Square Limited Partnership.

BY authority of

Article 30 - Zoning

Sections 12.0-1 and 12.0-4

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, On the 7th day of June, 1985, the Church Square Limited Partnership met with the Department of Planning of Baltimore City to hold a Pre-Petition Conference to explain the scope and nature of proposed development on the property in order to institute proceedings to have said property designated a Business Planned Unit Development; and

WHEREAS, Together herewith the Church Square Limited Partnership has made formal application to the City Council of Baltimore and has submitted the requisite Development Plan, including a site plan dated June 7, 1985, by Cho, Wilks, & Benn, intended to satisfy the requirements specified in Sections 12.0-1 and 12.0-4 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended); and

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the application of Church Square Limited Partnership to designate the property located on Lot 13 and portions of Lot 14 in the Gay Street I Urban Renewal Area bounded by Eager, Bond, Caroline and Ashland Streets, consisting of 2.5 acres, more or less, a Business Planned Unit Development pursuant to Article 30, Sections 12.0-1 and 12.0-4 of the Baltimore City Code (1983 Replacement Volume, as amended), be and it is hereby approved.

SEC. 2. And be it further ordained, That the Development Plan and other documents referenced in the recital paragraphs hereinabove submitted by Church Square Limited Partnership, attached hereto and made a part hereof, be and are hereby approved.

SEC. 3. *And be it further ordained*, That subsequent to the passage of this Ordinance by the City Council, all changes in the approved plan for the development of the property shall be reviewed and approved by the Planning Commission for insurance of such changes consistent with this ordinance.

SEC. 4. *And be it further ordained*, That upon passage of this Ordinance by the City Council, as evidence of the authenticity of each set of plans which is a part hereof and approved hereby, and in order to give notice to the departments which are administering the Zoning Ordinance, said set of plans shall be signed by the President of the City Council, and upon approval of the Ordinance by the Mayor, said sets of plans shall be signed by the Mayor of the City of Baltimore, and the Director of Finance shall transmit a copy of the Ordinance and one set of plans to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 5. *And be it further ordained*, That this Ordinance shall take effect on the 30th day after the date of its enactment.

Approved October 7, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 520

(Council No. 918)

AN ORDINANCE concerning

URBAN RENEWAL-GAY STREET I-AMENDMENT NO. 4

FOR the purpose of amending the Urban Renewal Plan for Gay Street I to, among other things, eliminate identification of specific non-conforming uses and revise the provisions on permitted non-conforming uses; delete the proposed closing of a portion of Eager Street between Caroline and Bond Streets and change the disposition lot use and lot lines to eliminate a public park lot and create ~~Residential and Commercial lots~~; TWO RESIDENTIAL LOTS AND EXPAND AN ADJACENT COMMERCIAL LOT; recommend a zoning district change to R-8 in the vicinity of Eager and Caroline Streets and provide that the approval of this Ordinance shall not be construed as enactment of such zoning change; revise Residential and Commercial permitted uses; revise certain provisions on parking, setbacks, signs, floor area, and landscaping; revise sign provisions to delete requirements on content; prohibit sandblasting of masonry facades with certain exceptions and provide a penalty for violation; revise provisions on Zoning; require that only affected developers be notified of Plan changes; revise certain Exhibits attached to the Plan to reflect changes proposed herein; waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code which the amended Plan may not meet; provide for the separability of the various parts and the applications of this Ordinance; provide that where the provisions of this Ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for Gay Street I was originally approved by the Mayor and City Council of Baltimore by Ordinance No. 1183, dated December 2, 1967 and amended by Ordinance No. 736, dated March 9, 1970, by resolution of the Board of Estimates on October 18, 1972, and by Ordinance No. 61, dated June 11, 1976; and

WHEREAS, it is necessary to amend the Urban Renewal Plan for Gay Street I to permit implementation of the Church Square project in the blocks bounded by Ashland Avenue, Caroline, Eager and Bond Streets which will provide for a neighborhood shopping center, the expansion of area church facilities and programs, and off-street parking, as well as to revise and/or include certain provisions regarding non-conforming uses, signs, zoning, sandblasting, and notification of developers of Plan changes; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the ap-

proval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Urban Renewal Plan make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Gay Street I; and

WHEREAS, said amended Urban Renewal Plan for Gay Street I has been approved by the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the amended Renewal Plan; and said amended Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for Gay Street I, identified as "Urban Renewal Plan, Gay Street I . . . revised to include Amendment No. 4, dated June 3, 1985 AS REVISED ON JULY 11, 1985 AND AS FURTHER REVISED ON SEPTEMBER 23, 1985", is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and make the same available to public inspection and information.

SEC. 2. *And be it further ordained*, That the identification of specific non-conforming uses in the Urban Renewal Plan in Appendix A and on Exhibit 2, Land Use Map, shall be eliminated and the revised language on non-conforming uses in Section C.2.b.(5) of the amended Urban Renewal Plan is hereby approved.

SEC. 3. *And be it further ordained*, That the proposed closing of a portion of Eager Street between Caroline and Bond Streets for public park use shall be deleted, Disposition Lot 14 for public park use shall be eliminated, and new disposition lots for ~~Commercial and~~ Residential use shall be created AND AN ADJACENT COMMERCIAL DISPOSITION LOT SHALL BE EXPANDED, all as shown in the amended Urban Renewal Plan on Exhibit 2, Land Use Map, and/or on Exhibit 4, Land Disposition Map, dated as revised ~~6/3/85~~ 7/11/85 AND 9/23/85.

SEC. 4. *And be it further ordained*, That the approval of Amendment No. 4 to the Urban Renewal Plan for Gay Street I shall not be construed as an enactment of the amendment to the Zoning Ordinance of Baltimore City whereby R-8 zoning is proposed in the vicinity of Caroline and Eager Streets—as shown in the amended Urban Renewal Plan on Exhibit 5, Zoning Districts, dated as revised 6/3/85.

SEC. 5. *And be it further ordained*, That the revisions to the list of permitted uses under the Residential and Commercial categories in Sections C.2.b.(1) and

C.2.b.(3) of the amended Urban Renewal Plan are hereby approved; ; AND THAT SECTION C. 2.B.(3) SHALL READ AS FOLLOWS:

(3) COMMERCIAL

ONLY THE FOLLOWING USES SHALL BE PERMITTED WITHIN THE AREAS DESIGNATED AS COMMERCIAL ON THE LAND USE PLAN (EXHIBIT 2) AND PROVIDED FURTHER THAT SUCH USE OR USES ALSO CONFORM WITH THE APPLICABLE REGULATIONS OF THE ZONING ORDINANCE OF BALTIMORE CITY.

AUTO SERVICE STATIONS AND AUTO REPAIRS; BAKERIES WITHOUT BAKING ON THE PREMISES OR BAKERIES WHERE BAKED PRODUCTS PREPARED ON THE PREMISES ARE SOLD ON THE PREMISES; BARBER SHOPS, BEAUTY SHOPS, AND SIMILAR PERSONAL SERVICE SHOPS; BOOK, STATIONARY, GREETING CARD STORES; BOWLING ALLEYS; CAMERA OR PHOTO SUPPLY SHOPS; CLOTHING AND DRY GOODS STORES NOT TO EXCEED 1500 SQ. FT.; CONFECTIONARY STORES, INCLUDING SNACK BARS AND SALE OF CANDY AND ICE CREAM; DELICATESSENS; DRIVE-IN RESTAURANTS; DRUG STORES WITH PHARMACY NOT TO EXCEED 11,500 SQ. FT.; SUPERMARKETS NOT TO EXCEED 20,000 SQ. FT.; HARDWARE STORES; ICE OR ICE CUBE DISPENSING - WITHOUT MANUFACTURING OF ICE ON PREMISES; JEWELRY, METAL CRAFT OR WATCH STORES NOT TO EXCEED 1,500 SQ. FT.; LAUNDRIES, LAUNDERETTES, LAUNDRY OR DRY CLEANING COLLECTION AND DISTRIBUTION STATIONS, AND DRY CLEANING OR PRESSING ESTABLISHMENTS USING ONLY NON-FLAMMABLE SOLVENTS; LODGES AND CLUBS; MUSICAL INSTRUMENTS, SHEET MUSIC, AND RECORD SHOPS; NEWSTANDS; OFFICES, BUSINESS AND PROFESSIONAL; RESTAURANTS; SHOE AND SHOE REPAIR STORES; SPORTING GOODS STORES; TAILOR SHOPS - INCLUDING SPOT CLEANING, PRESSING AND REPAIRS; TOBACCO SHOPS; TOY STORES; VARIETY SHOPS NOT TO EXCEED 1,500 SQ. FT.; AND SIMILAR TYPES OF SALES, SERVICE, AND REPAIR ESTABLISHMENTS.

BUSINESS PLANNED DEVELOPMENTS IN ACCORDANCE WITH THE REGULATIONS OF CHAPTER 12 OF THE ZONING ORDINANCE OF BALTIMORE CITY SHALL ALSO BE PERMITTED SUBJECT TO APPROVAL OF THE MAYOR AND CITY COUNCIL OF BALTIMORE.

LANDSCAPING, LOADING FACILITIES, AND PARKING FACILITIES RELATED TO THE ABOVE USES ARE ALSO PERMITTED. NO USE SHALL BE PERMITTED WHICH IS NOXIOUS OR OFFENSIVE BY REASON OF THE EMISSION OF ODOR, DUST, SMOKE, GAS FUMES, VIBRATION, OR NOISE.

Sec. 6. *And be it further ordained*, That the revisions to the provisions regarding parking, setbacks, signs, floor area, and landscaping applicable to certain disposition lots in Section C.2.c. of the amended Urban Renewal Plan are hereby approved.

SEC. 7. *And be it further ordained*, That the provisions on signs in the Urban Renewal Plan shall be amended to delete all requirements relating to content of signs.

SEC. 8. *And be it further ordained*, That over and above the codes and ordinances of the City of Baltimore, the cleaning of masonry facades by means of sandblasting shall be prohibited on all properties within the project area, except where sandblasting is determined by the Commissioner of the Department of Housing and Community Development to be the only feasible means of surface cleaning and where, in the Commissioner's opinion, it will not cause damage to historic building materials.

SEC. 9. *And be it further ordained*, That any person guilty of violating the provision contained in Section 8 of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine not exceeding One Hundred Dollars (\$100.00) and that each day's violation shall constitute a separate offense.

SEC. 10. *And be it further ordained*, That the provision on Zoning in Section E.2. of the Urban Renewal Plan shall be revised to read as follows:

"All appropriate provisions of the Zoning Ordinance of Baltimore City shall apply to properties in the Gay Street I area. Any change in the Zoning Ordinance embodied in this Urban Renewal Plan and designated on Exhibit 5, Zoning Districts, shall be approved by ordinance in accordance with the procedural requirements of the Zoning Ordinance and Article 66-B of the Annotated Code of Maryland (1957 Edition, as amended)."

SEC. 11. *And be it further ordained*, That Section F. of the Urban Renewal Plan shall be revised to require that only developers whose interests are materially affected by changes to the Urban Renewal Plan be notified of public hearings on ordinances amending said plan.

SEC. 12. *And be it further ordained*, That the following revised Exhibits are hereby approved: Exhibit 2, Land Use Map; Exhibit 3, Property Acquisition Map; Exhibit 4, Land Disposition Map; and Exhibit 5, Zoning Districts - ~~all Exhibits dated as revised 6/3/85.~~ EXHIBITS 2 AND 4, AS REVISED 7/11/85 AND 9/23/85 AND EXHIBITS 3 AND 5, DATED AS REVISED 6/3/85.

SEC. 13. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 14. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of

this Ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 15. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 16. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 7, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 521

(Council No. 627)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DRIVE-IN RESTAURANT WITH A DRIVE THROUGH WINDOW -
2542 W. FRANKLIN STREET

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 2542 W. Franklin Street, as outlined in red on the AMENDED plats accompanying this ordinance.

BY authority of
Article 30 - Zoning
Sections 6.3-1d and 11.0-6d
Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation

of a drive-in restaurant with a drive through window on the property known as 2542 W. Franklin Street, as outlined in red on the AMENDED plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect the 30th day after the date of its enactment.

Approved October 8, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 522

(Council No. 746)

AN ORDINANCE concerning

ZONING—APPROVAL FOR CONDITIONAL USE
NURSING HOME—N. GILMOR, N. VINCENT AND PARADISE STREETS

FOR the purpose of granting permission for the establishment, maintenance and operation of a nursing home on the property known as 1000-1012½ N. Gilmor Street, 1002-1014 and 1013-1033 N. Vincent Street and 1603, 1604, 1605, 1606, and 1607 Paradise Street, as outlined in red on the plats accompanying this ordinance, subject to final licensure by the State Department of Health and Mental Hygiene.

BY authority of

Article 30—Zoning

Sections 4.8-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)
and

Article 12—Hospitals

Section 1

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted to N. M. Carroll United Methodist Home for the Aged for the establishment, maintenance and operation of a nursing home on the properties known as 1000-1012½ N. Gilmor, 1002-1014 and 1013-1033 N. Vincent Street, and 1603, 1604, 1605, 1606, and 1607 Paradise Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 4.8-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning", and Section 1 of Article 12, title "Hospitals" of the Baltimore City Code (1983 Replacement Volume, as amended), subject to final licensure by the State Department of Health and Mental Hygiene.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 523

(Council No. 747)

AN ORDINANCE concerning

DAYTIME CURFEW

FOR the purpose of clarifying the language relating to school day.

BY repealing and reordaining with amendments

Article 19 - Police Ordinances

Subtitle - Parental Responsibility - Curfew

Section 93(b)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 19 - POLICE ORDINANCES

Parental Responsibility - Curfew

93. Unlawful conduct of minors.

(b) No minor between the ages of 6 to 15 years, inclusive, shall remain in or about any public place or any establishment between the hours of 9:00 A.M. and 2:30 P.M. [during any school day] *any day during which said minor is required to be in school* unless he has written proof from school authorities excusing him from attendance at that particular time or unless accompanied by a parent or guardian or a person 21 years of age or older.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 524

(Council No. 759)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - 717-721 S. BETHEL STREET

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the properties known as 717-721 S. Bethel Street, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 6.2-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the properties known as 717-721 S. Bethel Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.2-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning

Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 525

(Council No. 791)

AN ORDINANCE concerning

**ZONING - PLANNED UNIT DEVELOPMENT
VICTOR B. HANDAL BUSINESS CENTER**

FOR the purpose of approving the application of DavCo Food, Inc. to amend the Business Planned Development approved by Ordinance No. 130, approved June 28, 1984, known generally as the Victor B. Handal Business Center; and to approve the amendment to the Development Plan submitted by the applicant.

BY authority of

Article 30 - Zoning

Sections 12.0-1 and 12.0-2

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, By Ordinance 130, approved June 28, 1984, the application of Peter Handal to have the property lying at the triangular corner of North Avenue, Harford Road and Broadway consisting of 7.951 acres more or less designated a Business Planned Development in accordance with Sections 12.0-1 and 12.0-2 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) and the Development Plan submitted by Peter Handal was approved; and

WHEREAS, DavCo Food, Inc. now wishes to construct a drive-in restaurant with a drive-through window at the northwest corner of the property at the intersection of Harford Road and Broadway; and

WHEREAS, On April 16, 1985, representatives of DavCo Food, Inc. conferred with representatives of the Director of Planning to hold a pre-petition conference to explain the scope and nature of the proposed amendment to the Development Plan; and

WHEREAS, DavCo Food, Inc. hereby makes formal application to the Baltimore City Council and submits the requisite amended Development Plan showing the location of the proposed drive-in restaurant outlined in red on the site plan; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* the application of DavCo Food, Inc. to amend the Development Plan approved by Ordinance 130, approved June 28, 1984, be and it is hereby approved.

SEC. 2. *And be it further ordained, That* the amended Development Plan submitted by DavCo Food, Inc. attached hereto and made a part hereof be and it is hereby approved.

SEC. 3. *And be it further ordained, That* upon passage of this Ordinance by the City Council, as evidence of the authenticity of the Development Plan which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the Development Plan, and when the Mayor approves the Ordinance, he shall sign the Development Plan. The Director of Finance shall then transmit a copy of the Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator of Baltimore City.

SEC. 4. *And be it further ordained, That* site design details relating to landscaping, parking and access, to the extent not shown on the Development Plan, shall be approved by the Planning Commission or its duly designated officer; and subsequent to the passage of this Ordinance by the City Council of Baltimore, all changes in the Development Plan shall be reviewed and approved by the Planning Commission to insure that such changes are consistent with this Ordinance.

SEC. 5. *And be it further ordained, That* this ordinance shall take effect from the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 526

(Council No. 794)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DRUG ABUSE TREATMENT CENTER - 707 CONSTITUTION STREET

FOR the purpose of granting permission for the establishment, maintenance and operation of a drug abuse rehabilitation and treatment center on the property known as 707 Constitution Street as outlined in red on the plats accompanying this ordinance, subject to the condition of continuing certification by the State of Maryland Drug Abuse Administration.

BY authority of

Article 30 - Zoning

Sections 7.2-1cc and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drug abuse rehabilitation and treatment center on the property known as 707 Constitution Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 7.2-1cc and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title Zoning", subject to the condition of continuing certification by the State of Maryland Drug Abuse Administration.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 527

(Council No. 832)

AN ORDINANCE concerning

PARKING - RESERVED
ST. PAUL STREET (UPPER LEVEL)

FOR the purpose of providing for reserved parking on the east side of St. Paul Street (Upper Level) for Court House personnel.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That on the east side of St. Paul Street (Upper Level) from Saratoga Street to Mulberry Street, parking is reserved for persons attached to the Court House as shall be designated by the Circuit Court of Baltimore City.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 528

(Council No. 877)

AN ORDINANCE concerning

CITY COUNCIL PARKING PERMITS

FOR the purpose of changing the areas reserved for parking by persons holding City Council permits.

BY repealing and reordaining with amendments

Article 31 - Transit and Traffic

Subtitle - City Council

Section 25

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 31 - TRANSIT AND TRAFFIC

City Council

25. City Council permits.

Members of the City Council, including the duly elected City Councilmen, [the President of the City Council,] the Fiscal Adviser to the City Council, the Direc-

tor of the Department of Legislative Reference, and no other person, shall be issued special permits by the Commissioner of Transit and Traffic which shall be displayed on their vehicles and which will entitle them and no other person to park at the following locations:

(a) Fayette Street, north side, from Gay Street to Holliday Street, between 8 a.m. and 6 p.m.

[(b) Holliday Street, east side, from Fayette Street to Lexington Street, between 9 a.m. and 6 p.m.]

(b) Fayette Street, south side, from a point 90 feet west of Gay Street to a point 134 feet west of Gay Street, between 8 a.m. and 6 p.m.

(c) Lexington Street, south side, from Holliday Street to [a point 100 feet westerly from] Gay Street, between 8 a.m. and 6 p.m.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 529

(Council No. 899)

AN ORDINANCE concerning

CITY STREET-CLOSING PORTION OF HAMPDEN AVENUE

FOR the purpose of condemning and closing a 33 foot wide portion of Hampden Avenue, 66 feet wide, contiguous to the southwest side thereof and extending from the line of the northwest side of a 10 foot alley laid out 75 feet northwest of 29th Street, Northwesterly 127 feet, more or less, to the end thereof in accordance with a plat thereof numbered 345-A-12, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Thirty-first (31st) day of May, 1985.

BY authority of

Article I - General Provisions

Section - 4

Article II - General Provisions

Sections - 2, 34, 35

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close a 33 foot wide portion of Hampden Avenue, 66 feet wide,

contiguous to the southwest side thereof and extending from the line of the northwest side of a 10 foot alley laid out 75 feet northwest of 29th Street, Northwesterly 127 feet, more or less, to the end thereof the portion of street hereby directed to be condemned for said closing being described as follows:

Beginning for the same at the point formed by the intersection of the line of the northwest side of an alley, 10 feet wide, laid out 75 feet northwest of 29th Street, 66 feet wide, if projected southwesterly, and the southwest side of Hampden Avenue, 66 feet wide, and running thence binding on the southwest side of said Hampden Avenue, Northwesterly 109 feet, more or less, to the westernmost extremity of said Hampden Avenue; thence binding on the westernmost extremity of said Hampden Avenue, Northerly 47 feet, more or less, to the center line of said Hampden Avenue; thence binding on the center line of said Hampden Avenue, Southeasterly 144 feet, more or less, to intersect the line of the northwest side of said 10 foot alley, so projected, and thence binding on said line so projected, Southwesterly 33 feet, more or less, to the place of beginning.

The said portion of Hampden Avenue as directed to be condemned being delineated and particularly shown on a plat numbered 345-A-12 which was filed in the Office of the Department of Public Works on the Thirty-first (31st) day of May in the year 1985 and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it

therein, for the purposes of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all said structures and appurtenances, and this without permission from or compensation to the owner or owners of said land.

SEC. 5. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said portion of Hampden Avenue and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 6. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 530

(Council No. 924)

AN ORDINANCE concerning

PARKING - RESERVED
FEDERAL STREET AND GUILFORD AVENUE

FOR the purpose of providing for reserved parking in the vicinity of Federal Street and Guilford Avenue.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That parking is reserved:

(1) On the south side of Federal Street from a point 25 feet west of Guilford Avenue to a point 87 feet west of Guilford Avenue, and

(2) On the west side of Guilford Avenue from a point 36 feet south of Federal Street to a point 90 feet south of Federal Street.

for employees of the Department of Social Services, Protective Services Division, displaying permits.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 531

(Council No. 955)

AN ORDINANCE concerning

**SUPPLEMENTARY GENERAL FUND OPERATING APPROPRIATION –
DEPARTMENT OF COMPTROLLER**

FOR the purpose of providing a supplementary general fund operating appropriation in the amount of One Million One Hundred Fifty-one Thousand Nine Hundred Ninety-five Dollars (\$1,151,995) to the Department of Comptroller (Program 135–Insurance on City Facilities) to be used for insurance premiums for Property Catastrophe Policy.

BY authority of

Article VI–Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision as amended)

WHEREAS, the money appropriated herein represents revenue produced by Income Tax in excess of the amount from this source estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year, and is therefore available for appropriation to the Department of Comptroller (Program 135–Insurance on City Facilities) pursuant to the provisions of Article VI, Section 2(h)(3) of the Baltimore City Charter (1964 Revision as amended); and

WHEREAS, the additional sum here appropriated is for a program included in the 1985 Ordinance of Estimates and is made necessary by a material change in circumstances since the formulation and adoption of such Ordinance, in accordance with Article VI, Section 2(h)(3) of said Charter; and

WHEREAS, the supplementary general fund operating appropriation ordained herein has been recommended to the City Council by the Board of Estimates said recommendation having been made at a regular meeting of said Board held on 7th day of August, 1985, all in accordance with Article VI, Section 2(h)(3) of said Charter.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That under the provisions of Article VI, Section 2(h)(3) of the 1964 revision of the Charter of Baltimore City as amended, the sum of One Million One Hundred Fifty-one Thousand Nine Hundred Ninety-five Dollars (\$1,151,995) shall be made available to the Department of Comptroller (Program 135–Insurance on City Facilities) of the City of Baltimore as a supplementary general fund operating appropriation for the fiscal year ending June 30, 1985, for the purpose of insurance premiums for Property Catastrophe Policy. The amount thus made available as a supplementary general fund operating appropriation shall be expended from revenue derived from Income Tax in excess of the amount from this source which was estimated and relied upon by the Board of Estimates in determining the tax levy required to balance the budget for the 1985 fiscal year; and said funds from

said Income Tax shall be the source of revenue for this supplementary general fund operating appropriation, as required by Article VI, Section 2 of the Baltimore City Charter (1964 Revision as amended).

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 532

(Council No. 975)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING ORDINANCE -
WELDON PLACE SOUTH

FOR the purpose of repealing Ordinance No. 302, 1985 which provided for reserved parking on Weldon Place South for Ruth A. Sullivan.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Ordinance No. 302, approved March 12, 1985, be and the same is hereby repealed and the reserved parking on Weldon Place South, therein provided, is hereby rescinded.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 533

(Council No. 976)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING ORDINANCE -
GRIFFIS AVENUE

FOR the purpose of repealing Ordinance No. 366, 1985 which provided for reserved parking on the north side of Griffis Avenue for Robert Haynes.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That Ordinance No. 366, approved April 22, 1985, be and the same is hereby repealed and the reserved parking on the north side of Griffis Avenue, therein provided, is hereby rescinded.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 534

(Council No. 977)

AN ORDINANCE concerning

PARKING-RESERVED
MCELDERRY STREET

FOR the purpose of providing for reserved parking on the north side of McElderry Street for handicapped students and staff members of the Johns Hopkins School of Hygiene and Public Health.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That on the north side of McElderry Street, from Broadway to a point 110' west of Broadway, parking is reserved from 8 a.m. to 5 p.m. for handicapped students and handicapped staff members of the Johns Hopkins School of Hygiene and Public Health, displaying a permit.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 535

(Council No. 978)

AN ORDINANCE concerning

PARKING - RESERVED
CLEVELAND STREET

FOR the purpose of providing for reserved parking on the east side of Cleveland Street for Irene Arrowood.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That on the east side of Cleveland Street, from a point 168' north of Ostend Street to a point 188' north of Ostend Street, parking is reserved for Irene Arrowood, displaying a permit.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 536

(Council No. 979)

AN ORDINANCE concerning

PARKING - RESERVED
RICHWOOD AVENUE

FOR the purpose of providing for reserved parking on the south side of Richwood Avenue for Henry Street.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore,* That on the south side of Richwood Avenue, from a point 72' west of Wrenwood Avenue to a point 95' west of Wrenwood Avenue, parking is reserved for Henry Street, displaying a permit.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 537

(Council No. 980)

AN ORDINANCE concerning

PARKING - RESERVED
WRENWOOD AVENUE

FOR the purpose of providing for reserved parking on the west side of Wrenwood Avenue for Jesse Byrd.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That on the west side of Wrenwood Avenue, from a point 144' north of Willow Avenue to a point 166' north of Willow Avenue, parking is reserved for Jesse Byrd, displaying a permit.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the date of its enactment.

Approved October 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 538

(Council No. 830)

AN ORDINANCE concerning

ZONING CODE - AUCTION ROOMS

FOR the purpose of adding auction rooms to the list of conditional uses in the M-2 and M-3 Districts.

By adding

Article 30 - Zoning

Chapter 7 - Industrial Districts

Section 7.2-1c-2a

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30 - ZONING

Chapter 7 - Industrial Districts

7.2 M-2 Industrial District.

1c. Conditional uses.

2a. Auction rooms.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved October 23, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 539

(Council No. 903)

AN ORDINANCE concerning

STREET ENCROACHMENT - 16 S. CALVERT STREET

FOR the purpose of authorizing the construction and maintenance of a concrete handicap ramp with steps forty-eight inches from the south wall of the improvements known as 16 S. Calvert Street into the adjoining sidewalk area.

BY authority

Article 32 - Building Code of Baltimore City

Section 310.2

Building Code of Baltimore City (1982 Edition and Supplement)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the construction and maintenance of a concrete handicap ramp with steps is hereby authorized forty-eight inches from the south wall of the improvements known as 16 South Calvert Street into the adjoining sidewalk area. Except as in this ordinance specifically provided, all ordinances and all rules and regulations of the Mayor and City Council of Baltimore shall be complied with in the construction and use of said structure.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the day of its enactment.

Approved October 23, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 540

(Council No. 780)

AN ORDINANCE concerning

REZONING - ORCHARD-BIDDLE URBAN RENEWAL AREA

FOR the purpose of changing the zoning at 622-624 N. Eutaw Street, 500-522 W. Franklin Street, AND 506 N. Paca Street, ~~and 501-505 Pennsylvania Avenue~~, as outlined in red on the AMENDED plat accompanying this ordinance, from the B-5-1 to the B-4-1 Zoning District.

BY amending Zoning District Maps

Sheet No. 55

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 55 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the B-5-1 Zoning District to the B-4-1 Zoning District, 622-624 N. Eutaw Street, 500-522 W. Franklin Street, AND 506 N. Paca Street, ~~and 501-505 Pennsylvania Avenue~~, as outlined in red on the AMENDED plats accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved October 30, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 541

(Council No. 916)

AN ORDINANCE concerning

CITY PROPERTY - SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to that certain parcel of land and improvements no longer needed for public purpose, known as the Southeast side of 28th Street, southwest of Sisson Street (Block 3642-D, Portion of Lot 6) containing 0.9757 acre of land, more or less.

BY authority of

Article V - Comptroller

Section 5 (b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5 (b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore City, Maryland, described as follows:

Beginning for the same at the point formed by the intersection of the southwest side of Sisson Street, as now laid out varying in width and the line of the southeast side of Twenty-eighth Street, as now laid out 66 feet wide, northeast of said Sisson Street, if projected southwesterly, said point of beginning being the beginning of the agreement for a fifteen foot wide right of way for ingress and egress by and between Sisson Realty Co., Inc. and Mayor and City Council of Baltimore dated July 1, 1940 and recorded among the Land Records of Baltimore City in Liber M.L.P. No. 6054, Folio 20, and running thence binding on the southwest side of said Sisson Street and reversely on the last line of the right of way described in said agreement, there situate, as now surveyed, South 33 degrees-05 minutes-00 seconds East 15.01 feet; thence binding in part reversely on the third line of the right of way described in said agreement, in part reversely on the last line of the parcel of land conveyed by Mayor and City Council of Baltimore to the Wolfe and Mann Manufacturing Company by deed dated September 20, 1943 and recorded among said Land Records in Liber M.L.P. No. 6511, Folio 333, in part reversely on the last line of the parcel of land conveyed by Mayor and City Council of Baltimore to the Wolfe and Mann Manufacturing Company by deed dated August 18, 1949 and recorded among said Land Records in Liber M.L.P. No. 7908, Folio 85, and in all, as now surveyed, South 58 degrees-41 minutes-20 seconds West 199.24 feet to the end of the third line of last said deed; thence binding reversely on the third line of last said deed, as now surveyed, South 33 degrees-50 minutes-00 seconds East 205.55 feet to intersect the last line of the parcel of land conveyed by Mayor and City Council of Baltimore to C.Y. Stephens and Wife by deed dated July 28, 1954 and recorded among said Land Records in

Liber M.L.P. No. 9560, Folio 26; thence binding reversely on part of the last line of last said deed, to the beginning thereof, as now surveyed, South 56 degrees-49 minutes-50 seconds West 159.67 feet to intersect the fourth line of the first parcel of land conveyed by Mayor and City Council of Baltimore to Potts and Callahan, Inc. by deed dated August 15, 1973 and recorded among said Land Records in Liber R.H.B. No. 3056, Folio 620; thence binding reversely on part of the fourth line of the first parcel of land described in last said deed to the beginning thereof, North 34 degrees-13 minutes-00 seconds, West 139.09 feet; thence binding reversely on the third and second lines, respectively, of the first parcel of land described in last said deed, the two following courses and distances; namely, South 35 degrees-20 minutes-00 seconds West 50.75 feet and North 56 degrees-08 minutes-00 seconds West 92.38 feet to the southeast side of the ~~Twenty-Eighty~~ TWENTY-EIGHTH Street Bridge, there situate; thence binding on the southeast side of said Twenty-Eighth Street Bridge, the two following courses and distances; namely, North 53 degrees-51 minutes-45 seconds East 210.63 feet and by a line curving to the right with a radius of 3433.00 feet the distance of 69.84 feet which are is subtended by a chord bearing North 54 degrees-26 minutes-43 seconds East 69.84 feet to intersect the line of the first line of the right of way described in said agreement, if projected southwesterly and thence binding in part reversely on last said line so projected, in part reversely on the first line of the right of way described in said agreement, and in all, as now surveyed, North 58 degrees-41 minutes 20-seconds East 162.20 feet to the place of beginning.

Containing 42, 501.40 square feet or 0.9757 acre of land, more or less.

All courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

SEC. 2. *Be it further ordained*, That no deed deeds shall pass in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*, That this Ordinance will take effect from the date of its passage.

Approved October 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 542

(Council No. 958)

AN ORDINANCE concerning

REZONING - SETON INSTITUTE PROPERTY

FOR the purpose of changing the zoning for the property east from the western City boundary established in 1918 and south from Patterson Avenue from the R-6 Zoning District to the M-1-2 Zoning District as outlined in red on the AMENDED plats accompanying this ordinance; CHANGING THE ZONING FOR THE PROPERTY EAST OF THE WESTERN CITY BOUNDARY ESTABLISHED IN 1918 AND SOUTH OF THE PROPOSED MOUNT HOPE DRIVE FROM THE R-6 ZONING DISTRICT TO THE O-R-2 ZONING DISTRICT AS OUTLINED IN BLUE ON THE AMENDED PLATS; AND CHANGING THE ZONING FOR THE PROPERTY EAST OF THE WESTERN CITY BOUNDARY ESTABLISHED IN 1918 AND SOUTHEAST OF THE PROPOSED MOUNT HOPE DRIVE FROM THE O-R-2 ZONING DISTRICT TO THE M-1-2 ZONING DISTRICT AS OUTLINED IN GREEN ON THE AMENDED PLATS.

BY amending Zoning District Maps

Sheet No. 11

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Sheet No. 11 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-6 Zoning District to the M-1-2 Zoning District the property east from the western City boundary established in 1918 and south from Patterson Avenue as outlined in red on the AMENDED plats accompanying this ordinance; BY CHANGING FROM THE R-6 ZONING DISTRICT TO THE O-R-2 ZONING DISTRICT THE PROPERTY EAST OF THE WESTERN CITY BOUNDARY ESTABLISHED IN 1918 AND SOUTH OF THE PROPOSED MOUNT HOPE DRIVE AS OUTLINED IN BLUE ON THE AMENDED PLATS; AND BY CHANGING FROM THE O-R-2 ZONING DISTRICT TO THE M-1-2 ZONING DISTRICT THE PROPERTY EAST OF THE WESTERN CITY BOUNDARY ESTABLISHED IN 1918 AND SOUTHEAST OF THE PROPOSED MOUNT HOPE DRIVE AS OUTLINED IN GREEN ON THE AMENDED PLATS.

SEC. 2. *And be it further ordained, That* upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Com-

missioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved October 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 543

(Council No. 373)

AN ORDINANCE concerning

CITY PROPERTY - SALE

For the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to that certain parcel of land and improvements no longer needed for public purpose, known as ES Vogt SEC of Furley Avenue (Block 5960A Lot 1).

BY authority of

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*. That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V Section 5 (b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore, Maryland, described on Schedule A attached hereto and made a part hereof.

SEC. 2. *Be it further ordained*. That no deed or deeds shall pass in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained*. That this Ordinance will take effect from the date of its passage.

Schedule A

Beginning for the same at the point formed by the intersection of the southeast side of Sipple Avenue, as now laid out varying in width, and the second line of the parcel of land conveyed by Norman A. Wildberger and Wife to the Mayor and City Council of Baltimore by deed dated July 13, 1967 and recorded among the Land Records of Baltimore City in Liber J.F.C. No. 2247, Folio 57, and running thence binding on part of the second line of the parcel of

land described in said deed, to the end thereof, South $04^{\circ}-28'-19''$ West 96 feet, more or less; thence binding on part of the third line of the parcel of land described in said deed, South $86^{\circ}-59'-34''$ West 86 feet, more or less, to intersect the southeast side of Sipple Avenue, as now laid out 50 feet wide; thence binding on the southeast side of last said Sipple Avenue, Northeasterly by a line curving to the right with a ~~radius~~ RADIUS of 170.00 feet the distance of 137 feet, more or less, to the southeast side of Sipple Avenue, mentioned firstly herein, and thence binding on the southeast side of Sipple Avenue, mentioned firstly herein, North $65^{\circ}-34'-49''$ East 4 feet, more or less, to the place of beginning.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 544

(Council No. 374)

AN ORDINANCE concerning

CITY PROPERTY - SALE

For the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to that certain parcel of land and improvements no longer needed for public purpose, known as NEC Echodale Avenue and Tramore Road (Block 5390, Lots 17/20).

BY authority of

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V Section 5 (b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore, Maryland, described on Schedule A attached hereto and made a part hereof.

SEC. 2. *Be it further ordained, That* no deed or deeds shall pass in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained, That* this Ordinance will take effect from the date of its passage.

Schedule A

Beginning for the same at the point formed by the intersection of the north side of Echodale Avenue, as now laid out 80 feet wide, and the east side of Tramore Road, as now laid out 50 feet wide, and running thence binding on the

east side of said Tramore Road, North $12^{\circ}-20'-50''$ East 43.97 feet to the north-east outline of the parcel of land conveyed by Royal Realty Corporation to the Mayor and City Council of Baltimore by deed dated December 4, 1940 and recorded among the Land Records of Baltimore City in Liber M.L.P. No. 6108, Folio 589; thence binding on the northeast outline of said parcel of land, as now surveyed, South $58^{\circ}-10'-13''$ East 131.62 feet to intersect the north side of said Echodale Avenue, and thence binding on the north side of said Echodale Avenue, North $77^{\circ}-41'-12''$ West 124.08 feet to the place of beginning.

Containing 2727.56 square feet or 0.0626 acre of land, more or less.

All courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 545

(Council No. 707)

AN ORDINANCE concerning

ZONING CODE - ENFORCEMENT

FOR the purpose of permitting the Zoning Administrator to issue a zoning violation notice upon receipt of written statements from two or more persons from different households describing an activity which is not permitted in a residential or, office/residential, B-1, B-2 OR B-3 district.

BY repealing and reordaining with amendments

Article 30 - Zoning

Chapter 11 - Administration and Enforcement

Sections 11.0-2c

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sections) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30 - ZONING

Chapter 11 - Administration and Enforcement

11.0-2 The Zoning Administrator.

e. Procedure in cases of violations.

1. Whenever there is found a violation of the terms of this ordinance, the Zoning Administrator shall at once issue written notice to the owner, specifying

the nature of, the violation and citing the provisions of this ordinance which are violated, and said owner shall at once take appropriate steps to correct said violation. In case of failure by the owner to correct the violation within a reasonable time, the Zoning Administrator shall initiate such action or proceeding as shall secure compliance with the applicable provisions of this ordinance. When compliance is so secured, the Zoning Administrator shall issue an occupancy certificate certifying such compliance. All notices shall be sent by first class mail, addressed to the owner recorded on the tax records of Baltimore City or served personally by a duly authorized representative of the City and such service certified on the records of the Zoning Administrator.

2. The Zoning Administrator, in finding a violation of the terms of this ordinance, shall accept, as sufficient documentation, separate written signed statements from two or more ~~persons~~ OWNERS OR LESSEES of different households PROPERTIES describing an activity and/or use which has occurred or is occurring in a residential ~~or~~, office/residential, B-1, B-2 OR B-3 district, which is not permitted under the terms of this ordinance. On receipt of the written statements, which shall also include information as to the date, time, and location at which the violation occurred, the Zoning Administrator ~~shall~~ MAY issue a written notice to the owner in accordance with Section e. 1 above.

SEC. 2. And be it further ordained, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 546

(Council No. 783)

AN ORDINANCE concerning

RETAIL BUSINESS DISTRICT - PIMLICO

FOR the purpose of providing that the geographical area located within certain described boundaries shall be the Pimlico Business District and providing a fee calculation method for the District.

BY adding to

Article 15 - Licenses

Subtitle - Retail Business Districts

Section 121 (d)

Baltimore City Code (1983 Replacement Volume as amended)

WHEREAS, The business owners whose businesses are located within the Pimlico Business District, as set forth herein, desire a Retail Business District to be established in their area; and

WHEREAS, The business owners shall, upon adoption of this Ordinance, organize themselves as an incorporated business association to promote the Com-

mercial Revitalization interests and general improvement of the Pimlico Business District consistent with the provisions of this Ordinance; and

WHEREAS, Pimlico is a designated Commercial Revitalization project area; and

WHEREAS, The Fifth Councilmanic District representatives and the Commissioner of Housing and Community Development, at the request of the business owners of the Pimlico Business Area, have recommended and requested the establishment of a Retail Business District for the Pimlico Business Area; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Section(s) of the Baltimore City Code (1983 Replacement Volume) be added, repealed, or amended, to read as follows:*

Article 15—Licenses

Retail Business Districts

121. Designated Retail Business Districts

(d) Pimlico ~~Retail~~ Business District.

(1) *The area located within the boundaries set forth in this subsection is hereby declared to be a Retail Business District and may be referred to as Pimlico ~~Retail~~ Business District:*

Beginning for the same at the point formed by the intersecting center lines of Park Heights Avenue and W. Garrison Avenue; thence running Southwesterly along said center line 161 feet $\pm$ to a point formed by extending the center line of the first 10 foot alley; thence running Northwesterly 150 feet $\pm$ intersecting the center line of the adjoining 15 foot alley; thence running Southwesterly 169 feet $\pm$ intersecting the center line of the adjoining 15 foot alley; thence running Northwesterly 300 feet $\pm$ to the center line of Spaulding Avenue; thence running Northeasterly along said center line 28 feet $\pm$ to a point 257 feet $\pm$ Southwesterly from the center line of Park Heights Avenue, also known as the extended Southwestern lotline of lots 21, 8/9, 22, 11, 12, 13 and 14, Ward 27, Section 21, block 4582; thence running Northwesterly along said lotline 369 feet $\pm$ to the center line of W. Belvedere Avenue; thence running Southwesterly along said center line 100 feet $\pm$ to a point 79 feet $\pm$ Northeasterly from the intersecting center line of Denmore Avenue, also known as the point formed by extending the lotline between lots 1 and 2, Ward 27, Section 21, block 4552; thence running Northwesterly along said lotline 275 feet $\pm$ adjoining the Northeasterly right-of-way line of the 10 foot alley extending said line to the center line of Paton Avenue at a point 145 feet $\pm$ Southwesterly from the center line of Park Heights Avenue; thence running Southwesterly 5 feet $\pm$ along said center line 235 feet $\pm$ Northeasterly from the intersecting center lines of Denmore Avenue and Paton Avenue, also known as the extended lotline between lots 1, 2, 3, 4, 5, 6, and 29, Ward 27, Section 21, block 4553; thence running Northwesterly 115 feet $\pm$ along said lotline to a point 149 feet $\pm$ Southwesterly from the center line of Park Heights Avenue approximately 200 feet $\pm$ Northeasterly from the intersecting center lines of Denmore Avenue and Paton

Avenue, also known as the lotline between lots 6 and 7, Ward 27, Section 21, block 4553; thence running Southwesterly along said lotline 70 feet $\pm$ to the center line of the adjoining 15 foot alley; thence running Northwesterly 558 feet $\pm$ to the center line of Hayward Avenue; thence running Northeasterly along said center line 399 feet $\pm$ crossing Park Heights Avenue to a point formed by extending the center line of the 15 foot alley 165 feet $\pm$ Northeasterly from the centerline of Park Heights Avenue; thence running Easterly along said center line 180 feet; thence running Northeasterly 107 feet $\pm$ to a point formed by extending said 15 foot alley center line to intersect with the center line of Ethelbert Avenue; thence running Southeasterly 98 feet $\pm$ along said center line to a point 184 feet Northeasterly from the center line of Park Heights Avenue, also known as the extended lotline between Lots 18 and 18A, Ward 27, Section 19, block 4554; thence running Southwesterly along said lotline 60 feet $\pm$; thence running Southerly 113 feet $\pm$ 237 FEET $\pm$ INTERSECTING THE CENTERLINE OF PARK HEIGHTS AVENUE; THENCE RUNNING SOUTHEASTERLY ALONG THE CENTERLINE OF PARK HEIGHTS AVENUE 195 FEET $\pm$ TO A POINT FORMED BY EXTENDING THE WESTERN LOTLINE OF LOT 22, WARD 27, SECTION 19, BLOCK 4554, ALSO KNOWN AS THE LOTLINE DIVIDING LOTS 23/26 AND LOT 22; THENCE RUNNING NORTHERLY ALONG SAID LOTLINE 135 FEET $\pm$ TO A POINT 115 FEET $\pm$ SOUTHEASTERLY FROM THE CENTERLINE OF HAYWARD AVENUE, ALSO KNOWN AS THE NORTHERN LOTLINE OF LOT 22, WARD 27, SECTION 19, BLOCK 4554; THENCE RUNNING SOUTHEASTERLY ALONG SAID LOTLINE 29 FEET $\pm$ TO THE EASTERN LOTLINE OF SAID LOT, ALSO KNOWN AS THE LOTLINE DIVIDING LOTS 22 AND 19/21, WARD 27, SECTION 19, BLOCK 4554; THENCE RUNNING SOUTHERLY ALONG SAID LOTLINE 135 FEET $\pm$ to the center line of Park Heights Avenue; thence running Southeasterly to the center line of W. Belvedere Avenue; thence running Northeasterly 304 feet $\pm$ to a point 430 feet $\pm$ Northwesterly from the center line of Spaulding Avenue, also known as the extended lotline between lots 7, 8 and 9, Ward 27, Section 19, block 4584; thence running Southeasterly 130 feet $\pm$; thence running Southeasterly 50 feet $\pm$ to the western right-of-way line of the Municipal parking lot at a point 250 feet $\pm$ Northwesterly from the intersecting center lines of Spaulding and Palmer Avenue; thence running Northeasterly along said right-of-way line 20 feet $\pm$ to the Northern right-of-way line of said parking lot; thence running Southeasterly 240 feet $\pm$ to the center line of Spaulding Avenue; thence running Southwesterly 140 feet $\pm$ to a point where extending the center line of the 10 foot alley intersects the center lines of Spaulding and Palmer Avenues; thence running Southeasterly along said extended 10 foot alley center line 45 feet $\pm$; thence running easterly along said center line 85 feet $\pm$ to the eastern right-of-way line of said 10 foot alley, also known as the lotline dividing lots 19D and 20, Ward 27, Section 19, block 4585; thence running Southerly 5 feet $\pm$ to a point approximately 280 feet Northerly from the point of beginning, also known as the Southwesterly lotline of Lots 20, 21, 22, 23 and 24, Ward 27, Section 19, block 4585; thence running Southeasterly along said line 40 feet $\pm$ to a point 268 feet Northerly from the point of beginning, also known as the lotline dividing Lots 24 and 25, Ward 27, Section 19, block 4585; thence running Northeasterly along said line 48 feet $\pm$ to the center line of Palmer Avenue; thence running Southeasterly 50 feet $\pm$ to a point 383 feet $\pm$ North-

easterly from the point of beginning also known as the extended lotline dividing Lots 25 and Lots 1, 2, 3, 4, 5, 6, 7, 8, Ward 27, Section 19, block 4585; thence running Southwesterly along said lotline 200 feet $\pm$ to a point 185 feet $\pm$ northerly from the point of beginning, also known as the lotline dividing Lots 8, 9/10, Ward 27, Section 19, block 4585; thence running Southeasterly 127 feet $\pm$ to the center line of Garrison Avenue; thence running Southwesterly 186 feet $\pm$ to the center line of Park Heights Avenue, thence running Northwesterly along said center line to the point of beginning.

(2) Calculation of fee.

The fee for the Pimlico ~~Retail~~ Business District license shall be based on the total number of square feet of ~~licensable~~ FIRST FLOOR space occupied for retail, service, rental or professional services rendered by that establishment, whether the premises are owned, leased or otherwise held by such business establishment. Parking lots and warehouses are exempt from the payment of any fee provided, however, that storage space incidental to a business establishment's primary business is not exempt hereunder for the purposes of calculation and payment of this license fee. The Pimlico ~~Retail~~ Business District license fee shall be calculated as follows: the first 1200 square feet is to be rated at \$.15 per square foot with minimum fee of \$100; the next 1800 square feet is to be rated \$.11 per square foot; the next 3000 square feet is to be rated at \$.05 per square foot; all remaining square feet are to be rated at \$.01 per square foot. NOTWITHSTANDING THE PROVISIONS OF SECTION 113(C) OF THIS ARTICLE, IT IS FURTHER UNDERSTOOD THAT THE LICENSE FEE DUE FROM BUSINESS ESTABLISHMENTS SHALL BE CALCULATED BY THE MERCHANTS' ASSOCIATION AND CERTIFIED TO THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ON A YEARLY BASIS.

(3) Merchants' Association.

Voting on the annual budget shall be by a majority of the licensees, represented by one vote per \$100 of assessment rounded to the nearest hundred, at a meeting called FOR SUCH PURPOSES by the Pimlico Merchants' Association, and no vote shall carry except by a majority of the votes cast. All other voting shall be by one vote per licensed business establishment.

SEC. 2. And be it further ordained, That for the purpose of the Retail Business District specified in Section 121 (H) (D), the initial ~~Licensing~~ LICENSING period shall begin ~~July~~ JANUARY 1, ~~1985~~ 1986 and end December 31, ~~1985~~ 1986, with the fees prorated at 50% of the annual fee. Subsequent Licensing periods shall begin January 1 of each year, with bills due and payable 30 days from the date of billing.

SEC. 3. And be it further ordained, That this Ordinance shall take effect on the date of its enactment.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 547

(Council No. 792)

AN ORDINANCE concerning

**ZONING - PLANNED UNIT DEVELOPMENT
CATON AND WILKENS AVENUES**

FOR the purpose of approving the application of Victor Lancelotta, owner of the property northeast of the intersection of Caton Avenue and Wilkens Avenue, consisting of 4.83 acres, more or less, to have said property designated a Business Planned Development in accordance with Sections 12.0-1 and 12.0-4 of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended); and approving the Development Plan submitted by Victor Lancelotta, subject to certain conditions.

WHEREAS, On May 6, 1985, Victor Lancelotta met with the Department of Planning of Baltimore City to hold a Pre-Petition Conference to explain the scope and nature of existing and proposed development on the property in order to institute proceedings to have said property designated a Business Planned Development; and

WHEREAS, Victor Lancelotta hereby makes formal application to the City Council of Baltimore City and together herewith has submitted the requisite Development Plan, namely: (1) Sheet P-100- South Elevation; Sheet P-101-Site Plan; and Sheet P-102- Grading Plan; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* the application of Victor Lancelotta, as outlined in the Development Plan accompanying this ordinance, to designate the property northeast of the intersection of Caton Avenue and Wilkens Avenue, consisting of 4.83 acres, more or less, as a Business Planned Development pursuant to Article 30, Sections 12.0-1 and 12.0-4 of the Baltimore City Code (1983 Replacement Volume, as amended) be and it is hereby approved.

SEC. 2. *And be it further ordained, That* the Development Plan submitted by Victor Lancelotta, attached hereto and made a part hereof, be and it is hereby approved subject to the following conditions:

a. That the following uses listed as uses permitted in the B-1 District shall not be permitted in the Planned Development:

1. Athletic fields
2. Day nurseries, group day care, and nursery schools
3. Dwellings
4. Foster homes for children
5. Parks and playgrounds
6. Accessory or non-accessory radio and television antennas and towers when less than 25 feet above the building on which they are mounted
7. Accessory uses incidental to and on the same lot as a principal use, including dog fanciers and private kennels operated and maintained in conformance

with the provisions of the Animal Control Ordinance and rules and regulations promulgated pursuant thereto;

b. That the following uses listed as conditional uses in the B-1 District shall not be permitted in the Planned Development:

1. Accessory and non-accessory radio and television antennas and towers when free standing or when they extend higher than 25 feet above the building on which they are mounted
2. Government services, as follows:
 - a. Fire and Police Stations
 - b. Post Offices
 - c. Sewerage pumping stations
 - d. Water filtration plants, reservoirs, and pumping stations
3. Helistops
4. Poultry and rabbit killing establishments
5. Public utility uses as follows:
 - a. Antenna towers and microwave relay towers and installations for communications, transmissions, or receiving
 - b. Bus and transit turnarounds and passenger shelters
 - c. Railroad right-of-way and passenger stations—but not including Railroad Yards and shops
 - d. Repeater, transformer, pumping, booster, switching, conditioning, regulating stations, and other similar installations.
6. Travel trailers and similar camping equipment, parking or storage
7. Accessory uses incidental to and on the same lot as the above conditional uses
8. Housing for the elderly
9. Drug abuse and rehabilitation centers
10. Community correction centers
11. Parole and probation field offices;

c. That the following uses listed as permitted uses in the B-2 District shall not be permitted in the Planned Development:

1. Apartment hotels
2. Auction rooms
3. Auditoriums and concert halls, with capacity limited to 1,000 seats in each case
4. Blood donor centers
5. Bus and transit turnarounds and shelters
6. Carry out food shops
7. Dance halls
8. Day nurseries—group day care centers, and nursery schools
9. Schools, elementary and secondary
10. Fraternity and sorority houses (off-campus)
11. Hotels and motels
12. Junior colleges, colleges, business colleges and universities
13. Laboratories—medical and dental
14. Liquor stores—package goods
15. Medical and dental clinics
16. Newspaper distribution agencies for home delivery and retail trade
17. Off-street parking garages, other than accessory, for the parking of four or more vehicles

18. Pawn shops
19. Physical culture and health services—gymnasiums, reducing salons, and public baths
20. Radio and television stations and studios
21. Recording studios
22. Religious institutions as follows:
 - a. Churches, temples and synagogues
 - b. Convents, seminaries, and monasteries
23. Rooming and boarding houses for three or more roomers
24. Schools and studios—music, dance, and business
25. Secondhand stores and rummage shops
26. Skating rinks
27. Swimming pools
28. Taverns—but not including live entertainment or dancing
29. Taxidermist shops
30. Tennis and lacrosse clubs
31. Undertaking establishments and funeral parlors;

d. That the following uses listed as conditional uses in the B-2 District shall not be permitted in the Planned Development:

1. Homes for the rehabilitation of non-bedridden alcoholic persons and for the care and custody of homeless persons
2. Hospitals
3. Open off-street parking areas, other than accessory, for the parking of four or more vehicles
4. Housing for the elderly
5. Drug abuse rehabilitation and treatment centers
6. Community corrections centers
7. Parole and Probation Field Offices
8. Restaurants, drive-in, but not including pick-up drives with window services.
9. Auditoriums and concert halls with capacity greater in each case than 1,000 seats
10. Automobile accessory stores—including related repair and installation services
11. Animal hospitals which are odor-proofed and sound-proofed
12. Bus and transit passenger stations and terminals
13. Garages other than accessory for storage, repairs and servicing of motor vehicles, not over one and one-half tons capacity—but not including body repair, painting or engine rebuilding
14. Massage salons
15. Outdoor table service when accessory use to a restaurant use
16. Pool halls and billiard parlors
17. Public utility service centers
18. Theaters
19. Union halls
20. Upholstering shops.

SEC. 3. *And be it further ordained*, That subsequent to the passage of this ordinance by the City Council, all changes in the approved development plan for the development of the property shall be reviewed and approved by the Planning Commission to ensure that all changes shall be consistent with this ordinance.

SEC. 4. *And be it further ordained*, That subsequent to the passage of this ordinance by the City Council, all exterior details, such as signs, landscaping, and materials, shall be reviewed and approved by the Planning Commission prior to installation or use.

SEC. 5. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the Development Plan which is a part hereof, and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the Development Plan, and when the Mayor approves the ordinance, he shall sign the Development Plan. The Director of Finance shall then transmit a copy of the ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, and the Zoning Administrator of Baltimore City.

SEC. 6. *And be it further ordained*, That this ordinance is passed on the condition that Victor Lancelotta shall implement or cause to be implemented, executed and substantially completed the development of the proposed Business Planned Development in accordance with the Development Plan within two years from the passage of this ordinance; it being understood and agreed that the Planning Department of the City of Baltimore shall seek performance of Victor Lancelotta's undertakings hereunder.

SEC. 7. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 548

(Council No. 795)

AN ORDINANCE concerning

RETAIL BUSINESS DISTRICT - MONUMENT STREET

FOR the purpose of providing that the geographical area located within certain described boundaries shall be the Monument Street Business District and providing a fee calculation method for the District.

BY adding to

Article 15 - Licenses

Subtitle - Retail Business Districts

Section 121(e)

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, The business owners whose businesses are located within the Monument Street Business District, as set forth herein, desire a Retail Business District to be established in their area; and

WHEREAS, The business owners shall, upon adoption of this Ordinance, organize themselves as an incorporated business association to promote the commercial revitalization interests and general improvement of the Monument Street Business District consistent with the provisions of this Ordinance; and

WHEREAS, East Monument Street is a designated Commercial Revitalization project area; and

WHEREAS, The First Councilmanic District representatives and the Commissioner of Housing and Community Development, at the request of the business owners of the Monument Street Business Area, have recommended and requested the establishment of a Retail Business District for the Monument Street Business Area; now, therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume) be added, repealed, or amended, to read as follows:

ARTICLE 15 – LICENSES

Retail Business Districts

121. Designated Retail Business Districts.

(e) Monument Street Business District.

(1) The area located within the boundaries set forth in this subsection is hereby declared to be a Retail Business District and may be referred to as Monument Street Business District.

Beginning for the same at the point formed by the intersecting center lines of E. Monument Street and N. Milton Avenue; thence running Northerly along said center line 105 feet $\pm$ to intersect the extended center line of the first 10 foot alley; thence running Westerly along said center line 321 feet $\pm$ crossing N. Port Street to the center line of N. Montford Avenue; thence running Southerly along said center line 5 feet $\pm$ to intersect the center line of the 10 foot alley 65 feet $\pm$ north of E. Monument Street and east of N. Bradford Street; thence running Westerly along said center line 156 feet $\pm$ intersecting the center line of N. Bradford Street; thence running Northerly along said center line 25 feet $\pm$ intersecting the center line of the 10 foot alley 90 feet north of E. Monument Street and west of N. Bradford Street; thence running Westerly along said center line 76 feet $\pm$ intersecting the center line of the 10 foot alley parallel to and approximately 75 feet east of N. Patterson Park Avenue; thence running Southerly along said center line 79 feet $\pm$ to a point 75 feet Easterly from N. Patterson Park Avenue also known as the ~~lot line~~ LOTLINE between Lots 48 and 49, Ward 7, Section 2, block 1623; thence running Westerly along said lotline 110 feet $\pm$ intersecting the center line of N. Patterson Park Avenue; thence running Northerly along said center line 90 feet $\pm$ intersecting the center line of the 10 foot alley 100 feet north of E. Monument Street and east from N. Madeira Street; thence running Easterly 146 feet $\pm$ along said center line intersecting the center line of N. Madeira Street; thence running Southerly along said center line 20 feet $\pm$ intersecting the center line of the 10 foot alley

80 feet $\pm$ north of E. Monument Street and east of N. Collington Avenue; thence running Westerly along said center line of N. Collington Avenue; thence running Northerly 10 feet $\pm$ intersecting the extended center line of the 9 foot alley 90 feet north of E. Monument Street; thence running Westerly 298 feet $\pm$ crossing N. Duncan Street intersecting the center line of N. Chester Street; thence running Northerly along said center line 265 feet $\pm$ intersecting the center line of E. Madison Street; thence running Westerly along said center line 480 feet $\pm$ intersecting the center line of N. Washington Street; thence running Southerly 515 feet $\pm$ along said center line intersecting the extended center line of the 10 foot alley 85 feet south of E. Monument Street and west from N. Castle Street; thence running Easterly 200 feet $\pm$ along said center line intersecting the center line of N. Castle Street; thence running Southerly 40 feet $\pm$ along said center line intersecting the extended center line of the 10 foot alley 127 feet $\pm$ south of E. Monument Street and east of N. Castle Street; thence running Easterly 112 feet $\pm$ along said center line intersecting the center line of the 10 foot alley 85 feet $\pm$ south of E. Monument Street; thence running Northerly 43 feet $\pm$ along said center line intersecting the center line of the 5 foot alley 85 feet south of E. Monument Street; thence running Easterly 92 feet $\pm$ along said center line intersecting the center line of N. Chester Street; thence running Southerly 280 $\pm$ along said center line intersecting the center line of McElderry Street; thence running Northerly 300 feet $\pm$ along said center line intersecting the extended center line of the 10 foot alley 72 feet south of E. Monument Street; thence running Easterly 175 feet $\pm$ along said center line to the center line of N. Collington Street; thence running Northerly 45 feet $\pm$ to a point 27 feet $\pm$ south of East Monument Street, being also the lotline between Lots 16/17 and 18, Ward 7, Section 14, block 1638; thence running Easterly 77 feet $\pm$ to the center line of the adjoining 3 feet 8 inch alley; thence running Southerly approximately 24 feet $\pm$; thence running 25 feet $\pm$ Southeasterly to a point that intersects the center line of the adjoining 15 foot $\pm$ alley 62 feet $\pm$ south of E. Monument Street; thence running south 65 feet $\pm$ to the center line of the adjoining 10 foot alley; thence running 85 feet Easterly $\pm$ to the center line of N. Madeira Street; thence running Northerly 45 feet $\pm$ to the center line of the 10 foot alley 74 feet $\pm$ south from E. Monument Street; thence running Easterly 83 feet $\pm$ to the center line of the adjoining 10 foot alley; thence running Southerly 59 feet to the center line of the 3 foot to 6 foot adjoining alley; thence running Easterly 135 feet $\pm$ to the center line of N. Patterson Park Avenue; thence running Northerly 64 feet $\pm$ to the center line of the 10 foot alley 75 feet $\pm$ south of E. Monument Street; thence running 347 feet $\pm$ crossing N. Bradford Street and Dindling Court to the center line of the adjoining 4 foot alley; thence running Southerly 35 feet $\pm$ to the center line of the adjoining 6 foot alley; thence running Easterly 53 feet $\pm$ to the center line of N. Montford Avenue; thence running Northerly 49 feet $\pm$ crossing N. Port Street to the center line of the adjoining 4 foot 4 inch alley; thence running Easterly 120 feet $\pm$ to the centerline of N. Milton Avenue; thence running Northerly to the point of beginning.

(2) Calculation of fee.

The fee for the Monument Street Business District license shall be based upon the total number of square feet of first floor space, up to a maximum of 6,666

square feet, of a business establishment occupied for retail, service, rental or professional services rendered by that establishment whether the premises are owned, leased or otherwise held by such business establishment. Parking lots and warehouses are exempt from the payment of any fee, provided, however, that storage space incidental to a business establishment's primary business ~~in~~ IS not exempt hereunder for the purposes of calculation and payment of this license fee. The Monument Street Business District fee shall be calculated by multiplying the number of square feet of licensable space as specified above for each business establishment by a rate of fifteen cents per square foot.

(3) ~~MERCHANT'S ASSOCIATION~~ MERCHANT'S ASSOCIATION.

Voting on the annual budget shall be by a majority vote of the licensees voting in person or by proxy at a meeting called by the Monument Street Merchants' Association for that purpose. Each licensee shall have 1 vote per square foot of licensable space and no vote shall carry except by a majority of votes cast. All other voting shall be by 1 vote per licensed business establishment.

SEC. 2. And be it further ordained, That for the purpose of the Retail Business District specified in Section 121(e), the initial Licensing period shall begin ~~July 1, 1985~~ JANUARY 1, 1986 and end December 31, ~~1985~~ 1986, with the fee prorated at 50% of the annual fee. Subsequent licensing periods shall begin January 1 of each year, with bills due and payable 30 days from the date of billing.

SEC. 3. And be it further ordained, That this Ordinance shall take effect on the date of its enactment.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 549

(Council No. 829)

AN ORDINANCE concerning

METROPOLITAN DISTRICT EXTENSION

FOR the purpose of consenting to and approving a Petition for the extension of the Metropolitan District of Baltimore County to a tract of land in the Eighth Election District consisting of 12.88 acres located at the western end of Partridge Lane which is west of Sherwood Road in an area known as Warren and in accordance with the provisions of Chapter 539 of the Acts of the General Assembly of Maryland 1924, as amended by Chapter 515 of the Acts of 1955.

SECTION 1. Be it ordained by the Mayor and City Council of Baltimore, That the Petition for the extension of the Metropolitan District of Baltimore County to a tract of land in the Eighth Election District of Baltimore County consisting of

12.88 acres located at the western end of Partridge Lane which is west of Sherwood Road in an area known as Warren, more particularly shown on two plats filed in the Department of Public Works of Baltimore County numbered 83-0001 is in accordance with the authority granted by Chapter 539 of the Acts of the General Assembly of Maryland 1924, and amended by Chapter 515 of the Acts of 1955 hereby consented to and approved.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 550

(Council No. 875)

AN ORDINANCE concerning

FRANCHISE - UNDERGROUND TELEPHONE CABLE
1300 BLOCK OF PARK AVENUE

FOR the purpose of granting permission and authority to the Family and Children's Society to construct, maintain and use an underground telephone cable connecting 204 W. Lanvale Street with 1301 Park Avenue.

BY authority of

Article VIII - Franchises

Section 1

Baltimore City Charter (1964 Revision, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*. That permission and authority be and the same are hereby granted to the Family and Children's Society, its successors and assigns, hereinafter referred to as the "grantee", to construct, maintain, and use, at its own cost and expense, for a period not exceeding 25 years, an underground telephone cable connecting 204 W. Lanvale Street with 1301 Park Avenue. The authorized cable shall consist of two runs of 2½ inch schedule 40 PVC conduit, containing 150 pairs of telephone cable across the 1300 block of Park Avenue. The length of the necessary conduit from point to point will be approximately 160 feet; from curb to curb the length is 40 feet.

SEC. 2. *And be it further ordained*, That said underground telephone cable shall be constructed in all respects in accordance with the Building Code of Baltimore City and shall be completed and maintained under the supervision and to the satisfaction of the ~~Commissioner, Department of Housing and Community~~ DIRECTOR OF PUBLIC WORKS Development of Baltimore City, and shall be at all times hereafter subject to regulation and control by the ~~said Commissioner~~ DIRECTOR OF PUBLIC WORKS.

SEC. 3. *And be it further ordained*, That the Mayor and City Council of Baltimore hereby expressly reserves the right and power at all times to exercise, in the interest of the public, full municipal superintendence, regulation and control in respect to all matters connected with this grant and not inconsistent with the terms thereof.

SEC. 4. *And be it further ordained*, That the franchise or right granted by this ordinance shall be executed and enjoyed within six months after the grant.

SEC. 5. *And be it further ordained*, That the said grantee, its successors and assigns, shall maintain the said underground telephone cable in good condition throughout the full term of this grant, so long as said underground telephone cable remains in the sidewalk area.

SEC. 6. *And be it further ordained*, That the said grantee, its successors and assigns, shall pay to the Mayor and City Council of Baltimore, as compensation for the franchise or privilege hereby granted, the sum of \$99.00 per year, payable in advance during the continuance of this franchise or privilege, provided, however, that the Mayor and City Council of Baltimore, acting by and through the Board of Estimates, may increase or decrease the franchise charge payable by the grantee under the provisions hereby by giving written notice to that effect to the grantee at least one hundred and fifty (150) days prior to the expiration of the first five years of the term granted herein, or at the expiration of any subsequent five (5) year period of said term granted herein, any such increase or decrease of said franchise charge to be effective as of the beginning of the next succeeding five (5) year period of the term granted herein.

SEC. 7. *And be it further ordained*, That non-compliance at any time or times with any of the terms or conditions of the grant hereby made shall, at the option of the Mayor and City Council of Baltimore, operate as a forfeiture of the same, which shall thereupon be and become void, and that nothing short of an ordinance of the Mayor and City Council of Baltimore shall operate as a waiver of any forfeiture of the grant hereby made.

SEC. 8. *And be it further ordained*, That the Mayor of Baltimore City shall have the right to revoke the rights and privileges hereby granted at any time or times when, in his judgment, the public interest, welfare, safety, or convenience requires such revocation, and upon written notice to that effect from the Mayor of Baltimore City served upon the grantee, its successors or assigns, all such rights shall cease.

SEC. 9. *And be it further ordained*, That in the event of any revocation, forfeiture, or termination of the rights provided for by this franchise, the grantee, its successors and assigns, shall, at their expense, promptly remove said underground telephone cable in a manner satisfactory to the Commissioner, ~~DIRECTOR Department of Housing and Community Development~~ PUBLIC WORKS, without any compensation to the grantee, its successors and assigns.

SEC. 10. *And be it further ordained*, That the said grantee, its successors and assigns, shall be liable for and shall indemnify and save harmless the Mayor and City Council of Baltimore from and against any and all suits, losses, costs, claims,

damages; or expenses to which the Mayor and City Council of Baltimore may, from time to time, be subjected on account of, by reason of, or in any way resulting from—

A. The presence, construction, use, operation, maintenance, alteration, repair, location, relocation, or removal of said underground telephone cable;

B. Any failure on the part of said grantee, its successors and assigns, to perform, promptly and properly, any of the duties or obligations imposed upon it or them by the terms and provisions of this ordinance.

SEC. 11. *And be it further ordained*, That said Family and Children's Society, its successors or assigns, shall pay to the City within 30 days after written notice from the Director of Public Works of Baltimore City, of the amount due, the cost of relocating, strengthening, or encasing in concrete all subsurface structures belonging to the Mayor and City Council of Baltimore located in said street, in or adjacent to the space to be occupied by said underground telephone cable, and shall also pay to the city, within 30 days after written notice from the said Director of Public Works of the amount due, the cost of relocating any surface structures belonging to the city made necessary by the construction of said underground telephone cable, the judgment of the Director of Public Works as to the work necessary to safeguard said subsurface structures and as to the necessity of relocating any surface structures to be final.

SEC. 12. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 551

(Council No. 968)

AN ORDINANCE concerning

PARKING FINES

FOR the purpose of increasing the fines for parking violations in Residential Permit Parking Areas.

By adding:

Article 31 - Transit and Traffic

Subtitle - Parking and Stopping Fines, Penalties and Procedures

Section 152(s)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 43 31 - TRANSIT AND TRAFFIC

Parking and Stopping Fines, Penalties and Procedures

152. Parking and stopping fines.

Within the limits of the City of Baltimore the following parking and stopping fines are imposed in addition to the costs stipulated in the Annotated Code of Maryland:

(1st) Parking in violation of Residential Permit Parking areas so designated by the Commissioner of Transit and Traffic/Director of Transportation in accordance with the authority granted by the Mayor and City Council, shall be a violation punishable by a fine of \$25.00.

(S) PARKING IN VIOLATION OF POSTED RESTRICTIONS IN RESIDENTIAL PERMIT PARKING AREAS, EXCEPT IN THE PIMLICO RACE TRACK AREA, SHALL BE A VIOLATION PUNISHABLE BY A FINE OF \$25.00.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect ~~30 days after the date of its enactment~~ AUGUST 1, 1986.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 552

(Council No. 972)

AN ORDINANCE concerning

TRUSTEES OF THE WALTERS ART GALLERY

FOR the purpose of changing the terms of the Trustees from 6 to 3 years.

BY authority

Chapter 217

Laws of Maryland 1933

Section 4

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That,* pursuant to the provisions of Chapter 217 of the Acts of the General Assembly of 1933, the terms of the elected trustees shall be decreased from 6 years to 3 years and the terms shall be staggered so that the terms of no more than 8 trustees shall terminate in any year.

SEC. 2. *And be it further ordained,* That the provisions of this ordinance shall take effect May 1, 1985.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the day of its enactment.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 553

(Council No. 981)

AN ORDINANCE concerning

ASSESSMENTS FOR PAVING ALLEYS

FOR the purpose of altering the assessment charge to property owners abutting on intersecting alleys for improvements to those alleys.

BY repealing and reordaining with amendments

Article 26—Streets and Highways

Subtitle—Alleys

Section 3

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 26—STREET AND HIGHWAYS

Alleys

3. Notice and list of assessments.

After any contract for the work of grading, paving, or curbing an alley or part thereof shall have been awarded in a manner provided by the law, the said Director of Public Works shall assess the costs thereof upon the property binding on the said alley or any part thereof so to be graded, paved, or curbed equally in amount to such part of the said expense as the aforesaid Director of Public Works with the concurrence of the Board of Estimates in its discretion shall determine is to be borne by the owner or owners of such property, and the said Director of Public Works shall apportion the said costs so that the several lots of ground binding on both sides of said alley or part thereof to be graded, paved, or curbed shall become liable for pro rata parts thereof according to the frontage of said property thereon. In counting the number of feet which any property abuts upon the alley to be paved, the actual number of such feet shall be taken as to all lots having their front or rear upon said alley, but corner lots, having their front on some intersecting or crossing alley and having their side upon the alley to be paved, shall [not] be counted for *one-fifth (1/5)* the length of such side, and the property owners' share of the expense of paving such alley shall be divided equal-

ly in proportion to the number of feet abutting upon such alley counting as herein directed; provided that, *if, in the same contract, alleys are graded, paved or curbed abutting a corner lot, the owner of the corner lot abutting the alleys graded, paved or curbed shall be assessed for the improvements to either the side alley or rear alley which ever assessment is greater.* (t)The cost of paving alleys under the provisions of this ordinance shall be assessed in the aforementioned proportion upon the abutting property owners in every case, in no instance, however, to exceed two-thirds of said cost, and the said Director of Public Works shall then prepare a statement showing the amount of assessment upon each of the aforesaid lots of ground.

SEC. 2. *And be it further ordained,* That this ordinance shall take effect on the date of its enactment.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 554

(Council No. 1007)

AN ORDINANCE concerning

**MULTIFAMILY RENTAL HOUSING REVENUE BONDS—
(CROSS COUNTRY ASSOCIATES LIMITED PARTNERSHIP FACILITY)**

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in an aggregate principal amount not to exceed \$6,500,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by Cross Country Associates Limited Partnership, a Maryland limited partnership (the "Borrower"), of a certain rental apartment project to consist of and include (a) the acquisition of various parcels of land containing in the aggregate approximately 7.9 acres which contains approximately 26 garden apartment buildings, such buildings being located at 2900-2912 Glen Avenue, 2800-2802 Glen Avenue, 5902-5920 Cross Country Boulevard, and 3114-3132 Parkington Avenue in Baltimore City; (b) the renovation, rehabilitation and equipping of such buildings (including other facilities functionally related and subordinate to the residential rental apartments described above), operated as a rental apartment facility which will contain approximately 135 residential apartment units (and approximately 18 more units if approved by the City), and which will qualify as a residential rental project under Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended, and the regulations pro-

mulgated thereunder, (which requires, among other things, that a certain portion of the units be rented to individuals of low or moderate income); (c) the acquisition and installation in the buildings of such machinery and equipment, and any and all improvements therein as may be necessary or useful in connection therewith as a rental apartment facility; and (d) the acquisition of such interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, to be owned by the Borrower and operated as a rental apartment facility; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent from the Borrower to the City dated September 16, 1985 and supplemental letter of intent dated September 20, 1985, making certain legislative findings; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (i) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (ii) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that such bonds must be issued and sold within six months from the date this Ordinance is approved by the Mayor, unless the Board of Finance approves one nine-month extension as provided in this Ordinance; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds.

RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law") empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include acquisition and renovation of older structures into modern apartment buildings and units and thereby increasing the availability of rental housing in the City and increasing the City's tax base, the relief of conditions of unemployment in the City, encouraging the increase of industry and a balanced economy in the City, promoting economic development in the City, and promoting the health, welfare and safety of the residents of the City.

The City has received a letter of intent and supplemental letter of intent from Cross Country Associates Limited Partnership, a Maryland limited partnership (the "Borrower"), dated September 16, 1985 and September 20, 1985, respectively, (such letter of intent and supplemental letter of intent are hereinafter collectively referred to as the "Letter of Intent"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain rental apartment project in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds, which are referred to herein as multifamily rental housing bonds, in the aggregate principal amount not to exceed \$6,500,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition, renovation and rehabilitation of the Facility by the Borrower.

The Facility, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist of and include the acquisition of (a) various parcels of land containing in the aggregate approximately 7.9 acres which contains approximately 26 buildings, such buildings being located at 2900-2912 Glen Avenue, 2800-2802 Glen Avenue, 5902-5920 Cross Country Boulevard, and 3114-3132 Glen Avenue in Baltimore City, (b) the renovation, rehabilitation and equipping of such buildings (including other facilities functionally related and subordinate to the residential rental apartments described above), to be operated as a rental apartment facility which will contain approximately 135 residential apartment units (and approximately 18 more units if approved by the City), and which will qualify as a residential rental project under Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended and the regulations promulgated thereunder (which requires among other things, that a certain portion of the units be rented to individuals of low or moderate income), (c) the acquisition and installation in such buildings of any or all machinery and equipment, and any and all other improvements therein, as may be necessary or useful in connection with the operation thereof as a rental apartment facility, and (d) the acquisition of such other interests in land as may be necessary or useful for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Facility will be owned by the Borrower and operated as a rental apartment facility.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore ("City")*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

1. The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Facility (which includes but is not limited to all expenses related to issuance of the Bonds) will facilitate and expedite the completion of the Facility by the Borrower.

2. The completion of the Facility by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) renovating older structures into modern apartment units and thereby preserving and increasing the availability and quality of rental housing in the City and increasing the City's tax base; (b) promoting economic development in the City; (c) encouraging the increase of industry and a balanced economy in the City; and (d) promoting the health, welfare and safety of the residents of the City.

3. Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with a mortgage-backed security the principal and interest on which are guaranteed by the United States government acting by and through the Government National Mortgage Association ("GNMA"), the Federal Housing Administration ("FHA"), or another federal government agency or instrumentality, which security is based on and backed by a deed of trust or mortgage on the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its multifamily rental housing revenue bonds, in an aggregate principal amount not to exceed \$6,500,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower through ABG Financial Services, Inc., a Maryland corporation, or another business corporation (the

"Lender"), under terms and conditions approved by the Board and set forth in a resolution or resolutions, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance.

SEC. 4. *And be it further ordained*, That as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) prescribe, among other things but not limited to, the amount, form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(b) approve (i) the pledge or assignment by the City of any of the security described in Section 5 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(c) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower, through the Lender, to finance the costs of acquisition and rehabilitation of the Facility; and

(d) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 5. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with a mortgage backed security the principal and interest on which are guaranteed by the United States government acting by and through GNMA, FHA or another federal government agency or instrumentality, which security is based on and backed by a deed of trust or mortgage on the Facility, (II) the revenues from or

arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II), or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 6. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his manual or facsimile signature. If the Bonds are required to be manually signed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, the signatures of the Mayor of the City, the Director of Finance, the Custodian and Alternate Custodian of the City Seal may be executed by facsimile. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 7. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 8. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by

the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 9. *And be it further ordained*, That as permitted by the Enabling Law, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bonds of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 10. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further ordained*, That the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six-month period, may extend the period during which the Bonds may be issued and sold for one additional term not to exceed nine months from the date on which the first six-month period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension and the reasons therefor must be sent to the City Council. To the extent that the Bonds are not issued and sold within fifteen months from the date in which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds shall expire.

SEC. 12. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 555

(Council No. 1011)

AN ORDINANCE concerning

REZONING - ~~SUMBERGED~~ SUBMERGED LAND AT
2809 BOSTON STREET

FOR the purpose of changing the zoning for the submerged land known as 2809 Boston Street, from the M-3 Zoning District to the B-3-2 Zoning District as outlined in red on the AMENDED plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 68

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That Sheet No. 68 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the M-3 Zoning District to the B-3-2 Zoning District the submerged land known as 2809 Boston Street as outlined in red on the AMENDED plats accompanying this ordinance.

SEC. 2. *And be it further ordained.* That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained.* That this ordinance shall take effect on the date of its enactment.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 556

(Council No. 704)

AN ORDINANCE concerning

RETAIL BUSINESS DISTRICT-HIGHLANDTOWN

FOR the purpose of providing that the geographical area located within certain described boundaries shall be the Highlandtown Business District and providing a fee calculation method for the District.

BY adding to

Article 15 - Licenses

Subtitle - Retail Business Districts

Section 121(d)

Baltimore City Code (1983 Replacement Volume, as amended)

WHEREAS, The business owners whose businesses are located within the Highlandtown Business District, as set forth herein, desire a Retail Business District to be established in their area; and

WHEREAS, The business owners shall, upon adoption of this Ordinance, organize themselves AS AN INCORPORATED BUSINESS ASSOCIATION for the purposes of promoting the commercial revitalization interests and general improvement of the THE Highlandtown Business District consistent with the provisions of this Ordinance; and

WHEREAS, Highlandtown is a designated Commercial Revitalization project area; and

WHEREAS, The First Councilmanic District representatives and the Commissioner of Housing and Community Development, at the request of the business owners of the Highlandtown Business Area, have recommended and requested the establishment of a Retail Business District for the Highlandtown Business Area; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume) be added, repealed, or amended, to read as follows:

ARTICLE 15 - LICENSES

Retail Business Districts

121. Designated Retail Business Districts.

(d) Highlandtown Business District.

(1) *The area located within the boundaries set forth in this subsection is*

hereby declared to be a Retail Business district and may be referred to as Highlandtown Business District:

(The area is the same as the Highlandtown Business Urban Renewal Area and will be added by amendment.)

"BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTING CENTERLINES OF EASTERN AVENUE AND S. ROBINSON STREET; THENCE RUNNING SOUTHERLY ON CENTERLINE OF SAID S. ROBINSON STREET 145 FEET $\pm$ INTERSECTING THE EXTENDED CENTERLINE OF THE 10 FOOT ALLEY LOCATED 100 FEET $\pm$ SOUTH OF EASTERN AVENUE; THENCE RUNNING EASTERLY, ALONG CENTERLINE OF SAID 10 FOOT ALLEY, 205 FEET $\pm$ TO INTERSECT THE CENTERLINE OF S. EAST AVENUE; THENCE RUNNING NORTHERLY ALONG THE LAST MENTIONED CENTERLINE, 10 FEET $\pm$ INTERSECTING THE EXTENDED CENTER LINE OF THE 10 FOOT ALLEY LOCATED 90 FEET $\pm$ SOUTH OF EASTERN AVENUE; THENCE RUNNING 220 FEET $\pm$ EASTERLY ALONG THE LAST MENTIONED CENTERLINE TO INTERSECT THE CENTERLINE OF S. BOULDIN STREET; THENCE RUNNING NORTHERLY ALONG THE LAST MENTIONED CENTERLINE 2 FEET $\pm$ INTERSECTING THE EXTENDED CENTERLINE OF THE 10 FOOT ALLEY LOCATED 88 FEET $\pm$ SOUTH FROM EASTERN AVENUE; THENCE RUNNING EASTERLY ALONG THE LAST MENTIONED CENTERLINE 111 FEET $\pm$ TO INTERSECT THE CENTERLINE OF THE ADJOINING 27 FOOT ALLEY LOCATED 72.5 FEET EAST FROM S. BOULDIN STREET; THENCE RUNNING SOUTHERLY ALONG THE LAST MENTIONED CENTER LINE 17 FEET $\pm$ TO INTERSECT THE CENTERLINE OF THE ADJOINING 10 FOOT ALLEY LOCATED 105 FEET $\pm$ SOUTH FROM EASTERN AVENUE; THENCE RUNNING EASTERLY ALONG THE LAST MENTIONED CENTERLINE 108 FEET $\pm$ TO INTERSECT THE CENTERLINE OF S. CLINTON STREET; THENCE RUNNING NORTHERLY ALONG THE LAST MENTIONED CENTER LINE 30 FEET $\pm$ TO INTERSECT THE EXTENDED CENTERLINE OF THE 10 FOOT ALLEY LOCATED 75 FEET $\pm$ SOUTH FROM EASTERN AVENUE; THENCE RUNNING EASTERLY ALONG THE LAST MENTIONED CENTERLINE 175 FEET $\pm$ CROSSING THE EASTERN RIGHT-OF-WAY LINE OF THE ADJOINING 20 FOOT ALLEY LOCATED 80 FEET $\pm$ EAST FROM SOUTH CLINTON STREET, TO THE EXTENDED CENTER LINE OF THE 3 FOOT ALLEY SOUTH FROM MARSHALL COURT; THENCE RUNNING NORTHERLY 6 FEET $\pm$ TO THE CENTERLINE OF THE MARSHALL COURT DRIVEWAY; THENCE RUNNING EASTERLY 100 FEET $\pm$ TO INTERSECT THE CENTERLINE OF S. HIGHLAND AVENUE; THENCE RUNNING SOUTHERLY 270 FEET $\pm$ TO INTERSECT THE CENTERLINE OF FLEET STREET; THENCE RUNNING EASTERLY 445 FEET $\pm$ TO THE CENTERLINE OF S. CONKLING STREET; THENCE RUNNING SOUTHERLY 185 FEET $\pm$ TO A POINT FORMED BY EXTENDING THE SOUTHERN PROPERTY LINE

OF LOT 1, WARD 26, SECTION 9, BLOCK 6433; THENCE RUNNING EASTERLY 265 FEET ALONG SAID PROPERTY LINE THROUGH THE 20 FOOT ALLEY SOUTH OF FLEET STREET TO THE CENTERLINE OF FLEET STREET; THENCE RUNNING SOUTHERLY 5 FEET $\pm$ TO THE EXTENDED SOUTHERN PROPERTY LINE OF LOT 26/27 WARD 26 SECTION 9 BLOCK 6434; THENCE EASTERLY 180 FEET $\pm$ ALONG SAID LINE TO THE CENTER LINE OF THE 10 FOOT ALLEY SOUTH OF FLEET STREET; THENCE RUNNING NORTHERLY 136 FEET $\pm$ TO A POINT 50 FEET $\pm$ SOUTH OF THE CENTERLINE OF FLEET STREET, ALSO KNOWN AS THE LOTLINE BETWEEN LOTS 25K AND 25J WARD 26 SECTION 9 BLOCK 6434; THENCE RUNNING EASTERLY 195 FEET $\pm$ CROSSING S. EATON STREET TO THE CENTERLINE OF THE 12 FOOT ALLEY SOUTH OF FLEET STREET; THENCE RUNNING SOUTHERLY 210 FEET $\pm$ TO THE CENTERLINE OF THE ADJOINING 12 FOOT ALLEY; THENCE RUNNING EASTERLY 70 FEET $\pm$ TO THE CENTER LINE OF THE ADJOINING 10 FOOT ALLEY; THENCE RUNNING NORTHERLY 210 FEET $\pm$ TO A POINT 49 FEET 8 INCHES $\pm$ SOUTH OF THE CENTERLINE OF FLEET STREET, ALSO KNOWN AS THE LOTLINE BETWEEN LOTS 35, AND 36, WARD 26 SECTION 9, BLOCK 6435; THENCE RUNNING EASTERLY 100 FEET $\pm$ TO THE CENTERLINE OF FAGLEY STREET; THENCE RUNNING SOUTHERLY 136 FEET $\pm$ TO A POINT FORMED BY EXTENDING THE LOTLINE BETWEEN LOTS 1 AND 1A, WARD 26, SECTION 9, BLOCK 6436; THENCE RUNNING EASTERLY ALONG SAID LINE 132 FEET $\pm$ TO THE CENTERLINE OF THE 14 FOOT ALLEY ABUTTING THE NORTH PROPERTY LINE OF LOT 5A, WARD 26, SECTION 9, BLOCK 6436 AT A POINT 185 FEET $\pm$ SOUTH OF THE CENTER LINE OF FLEET STREET; THENCE RUNNING NORTH 134 FEET $\pm$ TO A POINT 49 FEET $\pm$ SOUTH OF THE CENTERLINE OF FLEET STREET, ALSO KNOWN AS THE LOTLINE BETWEEN LOTS 33 AND 34, WARD 26, SECTION 9, BLOCK 6436; THENCE RUNNING EASTERLY 102 FEET $\pm$ CROSSING GRUNDY STREET TO A POINT 45 FEET 4½ INCHES $\pm$ SOUTH OF FLEET STREET, ALSO KNOWN AS THE LOTLINE BETWEEN LOTS 1 AND 2, WARD 26, SECTION 9, BLOCK 6437; THENCE RUNNING EASTERLY 102 FEET $\pm$ TO THE CENTERLINE OF THE ADJOINING 10 FOOT ALLEY; THENCE RUNNING SOUTHERLY 330 FEET $\pm$ TO THE CENTERLINE OF FOSTER AVENUE; THENCE RUNNING 125 FEET $\pm$ EASTERLY TO THE CENTERLINE OF S. HAVEN STREET; THENCE RUNNING NORTHERLY 378 FEET $\pm$ TO THE CENTER LINE OF FLEET STREET; THENCE RUNNING EASTERLY 245 FEET $\pm$ TO THE CENTERLINE OF THE UNNAMED 17 FOOT S. IRIS AVENUE RIGHT-OF-WAY; THENCE RUNNING NORTHERLY 365 FEET $\pm$ TO THE CENTER LINE OF EASTERN AVENUE; THENCE RUNNING WESTERLY 235 FEET $\pm$ TO THE CENTERLINE OF S. HAVEN STREET; THENCE RUNNING NORTHERLY 360 FEET $\pm$ TO THE CENTER LINE OF BANK STREET; THENCE RUNNING WESTERLY 815 FEET $\pm$ TO THE CENTERLINE OF EATON STREET; THENCE RUNNING NORTHERLY 185 FEET $\pm$ TO THE CENTERLINE OF

CHESTLE PLACE; THENCE RUNNING WESTERLY 315 FEET TO THE CENTERLINE OF S. DEAN STREET; THENCE RUNNING SOUTHERLY 90 FEET $\pm$ TO A POINT 94 FEET $\pm$ NORTH FROM BANK STREET, ALSO KNOWN AS THE EXTENDED LOTLINE BETWEEN LOTS 14 AND 50, WARD 26, SECTION 16, BLOCK 6312; THENCE RUNNING WESTERLY 85 FEET $\pm$ TO A POINT 94 FEET $\pm$ NORTH FROM BANK STREET, ALSO KNOWN AS THE WESTERN PROPERTY LINE OF SAID LOT 50; THENCE RUNNING SOUTHERLY 25 FEET $\pm$ TO A POINT 65 FEET $\pm$ NORTH FROM BANK STREET, ALSO KNOWN AS THE NORTHERN LOTLINE OF LOT 17, WARD 26, SECTION 16, BLOCK 6312; THENCE RUNNING WESTERLY 110 FEET $\pm$ TO THE CENTERLINE OF S. CONKLING STREET; THENCE RUNNING NORTHERLY 53 FEET $\pm$ TO A POINT FORMED BY EXTENDING THE CENTERLINE OF THE 10 FOOT ALLEY NORTH FROM BANK STREET; THENCE RUNNING WESTERLY 290 FEET $\pm$ TO THE CENTER LINE OF BAYLIS STREET; THENCE RUNNING SOUTHERLY 135 FEET $\pm$ TO THE CENTERLINE OF BANK STREET; THENCE RUNNING WESTERLY 250 FEET $\pm$ TO THE CENTERLINE OF S. HIGHLAND AVENUE; THENCE RUNNING NORTHERLY 135 FEET $\pm$ TO A POINT 240 FEET $\pm$ SOUTHERLY FROM THE CENTERLINE OF GOUGH STREET, ALSO KNOWN AS THE EXTENDED LOTLINE BETWEEN LOTS 34 AND 35, WARD 26, SECTION 12, BLOCK 6299A; THENCE RUNNING WESTERLY 139 FEET $\pm$ TO THE CENTERLINE OF THE 15 FOOT ALLEY EASTERLY FROM S. CLINTON STREET; THENCE RUNNING SOUTHERLY 427 FEET $\pm$ CROSSING BANK STREET TO THE CENTERLINE OF THE ADJOINING 20 FOOT ALLEY 185 FEET NORTHERLY FROM EASTERN AVENUE; THENCE RUNNING WESTERLY 130 FEET $\pm$ TO THE CENTERLINE OF S. CLINTON STREET; THENCE RUNNING NORTHERLY 14 FEET $\pm$ TO A POINT 162 FEET $\pm$ SOUTHERLY FROM THE CENTER LINE OF BANK STREET; ALSO KNOWN AS THE EXTENDED LOTLINE BETWEEN LOTS 20 AND 21, WARD 26, SECTION 12, BLOCK 6298; THENCE RUNNING WESTERLY 123 FEET $\pm$ TO THE CENTERLINE OF THE 10 FOOT ALLEY EASTERLY FROM S. BOULDIN STREET; THENCE RUNNING SOUTHERLY 23 FEET $\pm$ TO THE CENTERLINE OF THE ADJOINING 20 FOOT ALLEY; THENCE RUNNING WESTERLY 213 FEET $\pm$ CROSSING S. BOULDIN STREET TO THE CENTERLINE OF THE 10 FOOT ALLEY WESTERLY FROM S. BOULDIN STREET AT A POINT 185 FEET $\pm$ SOUTHERLY FROM BANK STREET; THENCE RUNNING NORTHERLY 25 FEET $\pm$ TO A POINT 160 FEET $\pm$ SOUTHERLY FROM BANK STREET, ALSO KNOWN AS THE LOTLINE BETWEEN LOTS 35 AND 36, WARD 26, SECTION 12, BLOCK 6297; THENCE RUNNING WESTERLY 120 FEET $\pm$ TO THE CENTERLINE OF S. EAST AVENUE; THENCE RUNNING SOUTHERLY 5 FEET $\pm$ TO A POINT 165 FEET $\pm$ NORTHERLY FROM EASTERN AVENUE, ALSO KNOWN AS THE EXTENDED LOTLINE BETWEEN LOTS 80 AND 68-69, WARD 1, SECTION 14, BLOCK 1779; THENCE RUNNING WESTERLY 115 FEET $\pm$ TO THE CENTERLINE OF THE 10 FOOT ALLEY EASTERLY FROM ROBINSON STREET; THENCE RUNNING

SOUTHERLY 185 FEET ± TO THE CENTERLINE OF EASTERN AVENUE; THENCE RUNNING EASTERLY ALONG SAID CENTER LINE TO THE POINT OF BEGINNING.

(2) Calculation of fee. The fee for THE Highlandtown Business District ~~License~~ LICENSE shall be based upon the total number of square feet of first floor space of a business establishment occupied for retail, service, rental or professional services rendered by that establishment; provided, however, in the case of a movie theatre, whether owned, leased, or otherwise held by such business establishment, the fee shall be based upon 70% of the total number of square feet of first floor space occupied by a THE movie theatre. Parking lots and warehouses are exempt from the payment of any fee, provided, however, THAT storage space incidental to a business establishment's primary business is not exempt hereunder for the purposes of calculation and payment of ~~any business~~ THE license fee.

The Highlandtown Business District LICENSE fee shall be calculated as follows: the first 5,000 square feet occupied for business purposes by each business establishment is to be rated at 14 cents per square foot, and any square footage in excess of 5,000 square feet shall be rated at 7 cents per square foot. Notwithstanding the provisions of Section 113(c) of this Article, the license fee due from business establishments shall be calculated by the Highlandtown Merchants Association and certified to the Commissioner annually.

(3) Merchant's Association. Voting on the annual budget shall be by a majority vote of the licensees voting in person or by proxy at a meeting called by the Highlandtown Merchants Association for this purpose. Each licensee shall have ~~one (1)~~ 1 vote per licensed business establishment.

SEC. 2. And be it further ordained, That for the purpose of the Retail Business District specified in Section 121 (d), the initial licensing period shall begin ~~July 1, 1985~~ and end ~~December 31, 1985~~, with the fee prorated at 50% of the annual fee. JANUARY 1, 1986. Subsequent licensing periods shall begin January 1, ~~1985~~ of each year, with bills due and payable ~~thirty (30)~~ 30 days from the date of billing.

SEC. 3. And be it further ordained, That this Ordinance shall take effect on the date of its enactment.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 557

(Council No. 954)

AN ORDINANCE concerning

CITY PROPERTY - SALE

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell either at public or private sale all the interest of the Mayor and City Council of Baltimore in and to that certain parcel of land and improvements no longer needed for public purpose, known as the Southeast corner of Clarks Lane and Fallstaff Road, Baltimore City, Maryland, a parcel of land 400 feet in length and 265 feet wide. City Block 4324, Lot 73.

By authority of

Article V - Comptroller

Section 5(b)

Baltimore City Charter (1964 Revision as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore.* That the Comptroller of Baltimore City be and he is hereby authorized to sell at either public or private sale in accordance with Article V, Section 5 (b) of the City Charter, all of the interest of the Mayor and City Council of Baltimore in and to that parcel of land situate in Baltimore City, Maryland, described as follows:

Beginning for the same at the point formed by the intersection of the east side of Clarks Lane, as now laid out 50 feet wide, and the south side of Fallstaff Road, as now laid out 55 feet wide, and running thence binding on the south side of said Fallstaff Road and on part of the first line of the parcel of land conveyed by Greenspring Manor, Inc. to the Mayor and City Council of Baltimore by deed dated July 30, 1959 and recorded among the Land Records of Baltimore City in Liber J.F.C. No. 686, Folio 593, to the end thereof, there situate, South 76 degrees-37 minutes-00 seconds East 400.0 feet; thence binding on part of the second line of said deed, South 13 degrees 23-minutes-00 seconds West 245 feet to intersect a line drawn parallel with and distance 245.00 feet southerly, measured at right angles from the south side of said Fallstaff Road; thence binding on said line so drawn, North 76 degrees-37 minutes-00 seconds West 400.0 feet to intersect the east side of said Clarks Lane and thence binding on the east side of said Clarks Lane, North 13-degrees-23 minutes-00 seconds West 245 feet to the place of beginning.

• The courses and distances in the above description are referred to the true meridian as adopted by the Baltimore Survey Control System.

SEC. 2. *Be it further ordained.* That no deed or deeds shall pass in accordance herewith, until the same shall have been first approved by the City Solicitor.

SEC. 3. *And be it further ordained.* That this Ordinance will take effect from the date of its passage.

Approved November 27, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 558

(Council No. 671)

AN ORDINANCE concerning

ZONING CODE - VIDEO MOVIE STORES, SALES AND RENTALS

FOR the purpose of adding video stores to the list of ~~permitted~~ **CONDITIONAL** uses in Business Districts ~~and limiting to two employees those located in the B-1 District.~~

BY adding

Article 30 - Zoning

Subtitle - Business Districts

Sections ~~6.1-1b-37a, 6.2-1b-96a~~ 6.1-1c-7a

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 30 - ZONING

Chapter 6 - Business Districts

6.1 B-1 Neighborhood Business District

~~1b. Permitted uses~~

~~37a. Video movie stores, sales and rentals, when limited to not more than two employees~~

~~6.2 B-2 Community Business District~~~~1b. Permitted uses:~~

~~96a. Video movie stores, sales and rentals~~

1C. CONDITIONAL USES.

7A. VIDEO MOVIE STORES, SALES AND RENTALS

SEC. 2. *And be it further ordained, That* this ordinance shall take effect on the 30th day after the date of its enactment.

Approved December 2, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 559

(Council No. 909)

AN ORDINANCE concerning

CITY STREET—OPENING GEORGE STREET AND ACADEMY ALLEY

FOR the purpose of condemning and opening George Street, 20 feet wide, and extending from Eutaw Street, North $86^{\circ}-56'-10''$ East 84.5 feet, more or less, to Academy Alley and Academy Alley, 16 feet wide, and extending from the north outline of No. 613 N. Eutaw Street, South $02^{\circ}-42'-47''$ East 292.9 feet, more or less, to the end thereof in accordance with a plat thereof numbered ~~345-A-11A~~ 345-A-11, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Fourteenth (14th) day of May, 1985.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That* the Department of Public Works be, and they are hereby authorized and directed to condemn and open George Street, 20 feet wide, and extending from Eutaw Street, North $86^{\circ}-56'-10''$ East 84.5 feet, more or less, to Academy Alley and Academy Alley, 16 feet wide, and extending from the north outline of No. 613 N. Eutaw Street, South $02^{\circ}-42'-47''$ East 292.9 feet, more or less, to the end thereof the street and alley hereby directed to be condemned for said opening being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Eutaw Street, 66 feet wide, and the north side of George Street, 20 feet wide, and running thence binding on the north side of said George Street, North $86^{\circ}-56'-10''$ East 84.42 feet to intersect the west side of Academy Alley, 16 feet wide; thence binding on the west side of said Academy Alley, South $02^{\circ}-42'-47''$ East 20.00 feet to intersect the south side of said George Street; thence binding on the south side of said George Street, South $86^{\circ}-56'-10''$ West 84.53 feet to intersect the east side of said Eutaw Street and thence binding on the east side of said Eutaw Street, North $02^{\circ}-23'-00''$ West 20.00 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the line of the north outline of the property known as No. 613 N. Eutaw Street, if projected easterly, and the east side of Academy Alley, 16 feet wide, said point of beginning being distant South $02^{\circ}-42'-47''$ East 41.70 feet, measured along the east side of said Academy Alley from the south side of Centre Street, 60 feet wide, and running thence binding on the east side of said Academy Alley, South $02^{\circ}-42'-47''$ East 292.89 feet to intersect the northernmost extremity of the former bed of Academy Alley, 16 feet wide, as condemned and closed in ac-

cordance with Ordinance No. 472, approved June 2, 1969 by the Mayor and City Council of Baltimore; thence binding on the northernmost extremity of the former bed of last said Academy Alley, South $87^{\circ}-01'-15''$ West 16.00 feet to intersect the west side of Academy Alley mentioned firstly herein; thence binding on the west side of Academy Alley mentioned firstly herein, North $02^{\circ}-42'-47''$ West 292.97 feet to the north outline of said property and thence binding on the line of the north outline of said property, if projected easterly, North $87^{\circ}-16'-50''$ East 16.00 feet to the place of beginning.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

The said George Street and Academy Alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 345-A-11 which was filed in the Office of the Department of Public Works on the Fourteenth (14th) day of May, in the year 1985, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That the proceedings of said Department of Public Works, with reference to the condemnation and opening of said George Street and Academy Alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of the General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved December 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 560

(Council No. 910)

AN ORDINANCE concerning

CITY STREET—CLOSING GEORGE STREET AND ACADEMY ALLEY

FOR the purpose of condemning and closing George Street, 20 feet wide, and extending from Eutaw Street, North $86^{\circ}-56'-10''$ East 84.5 feet, more or less, to Academy Alley and Academy Alley, 16 feet wide, and extending from the north outline of No. 613 N. Eutaw Street, South $02^{\circ}-42'-47''$ East 292.9 feet, more or less, to the end thereof in accordance with a plat thereof numbered 345-A-11A, prepared by the Surveys and Records Division and filed in the Office of the Department of Public Works, on the Fourteenth (14th) day of May, 1985.

BY authority of

Article I—General Provisions

Section—4

Article II—General Provisions

Sections—2, 34, 35

Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the Department of Public Works be, and they are hereby authorized and directed to condemn and close George Street, 20 feet wide, and extending from Eutaw Street, North $86^{\circ}-56'-10''$ East 84.5 feet, more or less, to Academy Alley and Academy Alley, 16 feet wide, and extending from the north outline of No. 613 N. Eutaw Street, South $02^{\circ}-42'-47''$ East 292.9 feet, more or less, to the end thereof the street and alley hereby directed to be condemned for said closing being described as follows:

Beginning for Parcel No. 1 at the point formed by the intersection of the east side of Eutaw Street, 66 feet wide, and the north side of George Street, 20 feet wide, and running thence binding on the north side of said George Street, North $86^{\circ}-56'-10''$ East 84.42 feet to intersect the west side of Academy Alley, 16 feet wide; thence binding on the west side of said Academy Alley, South $02^{\circ}-42'-47''$ East 20.00 feet to intersect the south side of said George Street; thence binding on the south side of said George Street, South $86^{\circ}-56'-10''$ West 84.53 feet to intersect the east side of said Eutaw Street and thence binding on the east side of said Eutaw Street, North $02^{\circ}-23'-00''$ West 20.00 feet to the place of beginning.

Beginning for Parcel No. 2 at the point formed by the intersection of the line of the north outline of the property known as No. 613 N. Eutaw Street, if projected easterly, and the east side of Academy Alley, 16 feet wide, said point of beginning being distant South $02^{\circ}-42'-47''$ East 41.70 feet, measured along the east side of said Academy Alley from the south side of Centre Street, 60 feet wide, and running thence binding on the east side of said Academy Alley, South $02^{\circ}-42'-47''$ East 292.89 feet to intersect the northernmost extremity of

the former bed of Academy Alley, 16 feet wide, as condemned and closed in accordance with Ordinance No. 472, approved June 2, 1969 by the Mayor and City Council of Baltimore; thence binding on the northernmost extremity of the former bed of last said Academy Alley, South $87^{\circ}-01'-15''$ West 16.00 feet to intersect the west side of Academy Alley mentioned firstly herein; thence binding on the west side of Academy Alley mentioned firstly herein, North $02^{\circ}-42'-47''$ West 292.97 feet to the north outline of said property and thence binding on the line of the north outline of said property, if projected easterly, North $87^{\circ}-16'-50''$ East 16.00 feet to the place of beginning.

All courses and distances in the above descriptions are referred to the true meridian as adopted by the Baltimore Survey Control System.

The said George Street and Academy Alley as directed to be condemned being more particularly described and referred to among the Land Records of Baltimore City and delineated and particularly shown on a plat numbered 345-A-11A which was filed in the Office of the Department of Public Works on the Fourteenth (14th) day of May, in the year 1985, and is now on file in said Office.

SEC. 2. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, shall be and continue to be the property of the Mayor and City Council of Baltimore, in fee simple, until the use thereof shall be abandoned by the Mayor and City Council of Baltimore, and in the event that any person, firm or corporation shall desire to remove, alter or interfere therewith, such person, firm or corporation shall first obtain permission and permits therefor from the Mayor and City Council of Baltimore, and shall in the application for such permission and permits agree to pay all costs and charges of every kind and nature made necessary by such removal, alteration or interference.

SEC. 3. *And be it further ordained*, That no buildings or structures of any kind shall be constructed or erected in said portion of said highway or highways after the same shall have been closed under the provisions of this Ordinance until the subsurface structures and appurtenances now owned by the Mayor and City Council of Baltimore, over which said buildings or structures are proposed to be constructed or erected shall have been abandoned or shall have been removed and relaid in accordance with the specifications and under the direction of the Director of Public Works of Baltimore City, and at the expense of the person or persons or body corporate desiring to erect such buildings or structures. Railroad tracks shall be taken to be "structures" within the meaning of this section.

SEC. 4. *And be it further ordained*, That after said highway or highways shall have been closed under the provisions of this Ordinance, all subsurface structures and appurtenances owned by any person, firm or corporation, other than the Mayor and City Council of Baltimore, shall upon notice from the Director of Public Works of Baltimore City, be promptly removed by and at the expense of the said owners.

SEC. 5. *And be it further ordained*, That on and after the closing of said highway or highways, the said Mayor and City Council of Baltimore, acting

through its duly authorized representatives, shall, at all times, have access to said property and to all subsurface structures and appurtenances used by it therein, for the purpose of inspection, maintenance, repair, alteration, relocation and/or replacement, of any or all of said structures and appurtenances and this without permission from or compensation to the owner or owners of said land.

SEC. 6. *And be it further ordained*, That the proceedings of said Department of Public Works with reference to the condemnation and closing of said George Street and Academy Alley and the proceedings and rights of all parties interested or affected thereby, shall be regulated by, and be in accordance with, any and all applicable provisions of Article 4 of the Code of Public Local Laws of Maryland and the Charter of Baltimore City (1964 Revision) as amended to July 1, 1973 and any and all amendments thereto, and any and all other Acts of General Assembly of Maryland, and any and all ordinances of the Mayor and City Council of Baltimore, and any and all rules or regulations in effect which have been adopted by the Director of Public Works and filed with the Department of Legislative Reference.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved December 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 561

(Council No. 914)

AN ORDINANCE concerning

**ZONING - APPROVAL FOR CONDITIONAL USE
PARKING LOT - 5833 YORK ROAD**

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property known as 5833 York Road, as outlined in red on the plat^s accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 4.3-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property known as 5833 York Road, as outlined in red on the plat^s accompanying this ordinance, under the provisions of Sections 4.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day from the date of its enactment.

Approved December 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 562

(Council No. 965)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DRIVE-IN RESTAURANT WITH A DRIVE THROUGH WINDOW
1200 E. FAYETTE

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 1200 E. Fayette Street, as outlined in red on the plats accompanying this ordinance.

BY authority of

Article 30 - Zoning

Sections 6.3-1d and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant with a drive through window on the property known as 1200 E. Fayette Street, as outlined in red on the plats accompanying this ordinance, under the provisions of Sections 6.3-1d and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance

shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect the 30th day after the date of its enactment.

Approved December 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 563

(Council No. 1018)

AN ORDINANCE concerning

REPEAL OF RESERVED PARKING ORDINANCE
GLYNDON AVENUE

FOR the purpose of repealing Ordinance No. 38, approved April 16, 1984, which provided for reserved parking on the west side of Glyndon Avenue for Anthony B. Griffin.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Ordinance No. 38, approved April 16, 1984, be and the same is hereby repealed and reserved parking on the west side of Glyndon Avenue, therein provided, is hereby rescinded.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the date of its enactment.

Approved December 2, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 564

(Council No. 1043)

AN ORDINANCE concerning

**PARKING—RESERVED
ABINGTON AVENUE**

FOR the purpose of providing for reserved parking on the east side of Abington Avenue for Solomon Frink.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That on the east side of Abington Avenue, from a point 178' south of West Baltimore Street to a point 200' south of West Baltimore Street, parking is reserved for Solomon Frink, displaying a permit.*

SEC. 2. *And be it further ordained, That this ordinance shall take effect on the date of its enactment.*

Approved December 2, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 565

(Council No. 221)

AN ORDINANCE concerning

BAIL BONDS

FOR the purpose of repealing the provisions of the Baltimore City Code providing for the licensing and regulation of bail bondsmen.

BY repealing

Article 15—Licenses

Subtitle—Bail Bonds

Section 26

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:*

ARTICLE 15—LICENSES*Bail Bonds*

[26. Regulation.

(a) *Public interest.* The business and/or activity of becoming surety for compensation upon bonds in criminal cases is impressed with a public interest.

(b) *Definitions:*

(1) The word "bondsman," as used in this subtitle, means any person, firm or corporation engaged in the business and/or activity of becoming surety for compensation on bonds in criminal cases or any agent, employee or representative of any such person, firm or corporation.

(2) The word "bond" or "bonds," wherever used in this subtitle means a corporate or individual bond or the placement of any form of collateral including cash.

(3) The words "Criminal case" or "Criminal cases," wherever used in this subtitle, shall be taken to include cases involving the violation of any traffic law, ordinance or regulation. The phrase "Court having criminal jurisdiction," wherever used in this subtitle, shall be taken to include the Criminal Court of Baltimore City, the Traffic Court of Baltimore City, the Police Courts of Baltimore City and the Magistrates or Justices of the Peace assigned to said Courts. The words defined in this paragraph also shall be taken to include courts which take the place of or supplant the courts specifically mentioned herein, as well as cases in any such new court or courts.

(c) *Procuring bondsman.* It shall be unlawful for any person, firm or corporation engaged in the business and/or activity of becoming surety for the compensation on bonds in criminal cases, or for any agent, employee or representative of such person, firm or corporation (hereinafter called "bondsman"), either directly or indirectly, to give, donate, lend, contribute, or to promise to give, donate, loan or contribute any money, property, entertainment, or other thing of value whatsoever to any attorney at law, police officer, sheriff, jailer, probation officer, clerk, or other attache of any court having criminal jurisdiction in Baltimore City, or public official, or employee, of any character, for procuring or assisting in procuring any person to employ said bondsman to execute as surety any bond for compensation in any criminal case; and it shall be unlawful for any attorney at law, police officer, sheriff, jailer, probation officer, clerk, bailiff, or other attache of any court having criminal jurisdiction in Baltimore City, or public official or employee of any character, to accept or receive from any such bondsman any money, property, entertainment, or other thing of value whatsoever for procuring or assisting in procuring any person to employ any bondsman to execute as surety any bond for compensation in any criminal case.

(d) *Securing attorney.* It shall be unlawful for any bondsman, either directly or indirectly, to procure, suggest, aid in the procurement of or to cause in any way whatsoever the obtaining or employing of any attorney at law for any person in a criminal case.

(e) *Charges and fees.* It shall be lawful to charge for executing any bond in a criminal case, but it shall be unlawful for any bondsman, either directly or indirectly, to charge, accept, or receive any sum of money, or other thing of value, other than the regular fee for bonding, from any person for whom he has executed bond, for any other service whatever performed in connection with an indictment, information, or charge upon which said person is bailed or held. It also shall be unlawful for any bondsman to settle or attempt to settle, or to procure or attempt to procure the dismissal of any indictment, information, or charge

against any person in custody or held upon bond, with any court, or with the prosecuting attorney in any court.

(f) *List posted.* A typewritten or printed list alphabetically arranged of all persons engaged under the authority of the Board of Bail Bond Commissioners in the business and/or activity of becoming a surety upon bonds for compensation in criminal cases shall be posted in a conspicuous place in each police precinct, jail, prisoner's dock, house of detention, and every other place in which persons in custody of the law are detained, and one or more copies thereof kept on hand; and when any person who is detained in custody in any such place of detention shall request any person in charge thereof to furnish him the name of a bondsman, or to put him in communication with a bondsman, said list shall be furnished to the person so requesting, without recommendation and it shall be the duty of the person in charge of said place of detention within a reasonable time to put the person so detained in communication with the bondsman so selected, and the person in charge of said place of detention shall contemporaneously with said transaction make in the blotter or book of record kept in any such place of detention, a record showing the name of the person requesting the bondsman, the offense with which the said person is charged, the time at which the request was made, the bondsman requested, and the person by whom the said bondsman was called, and preserve the same as a permanent record in the book or blotter in which entered.

(g) *Copies to Board.* Every person who becomes surety upon bonds for compensation in criminal cases shall, within twenty-four hours after becoming surety, mail a copy of the surety bond or receipt or other document pertaining to any other form of collateral to the office of the Board of Bail Bond License Commissioners, herein created.

(h) *Posting security.* Nothing in this subtitle shall affect the right of any person to be his own recognizor upon the posting of proper security.

(i) *Board; created.* There is hereby created and established a Board of Bail Bond License Commissioners for Baltimore City, with the membership, powers and duties as in this subtitle provided. The Board shall be composed of five persons of integrity and experience to be appointed by the Mayor from a panel of recommendations submitted to him by the Bar Association of Baltimore City. The terms of the persons appointed to the Board shall be four years, and the first terms shall begin on July 1, 1960. The members of the Board shall receive no compensation for their work, but they may be reimbursed for proper traveling and other expenses incurred in the discharge of their duties.

(j) *Same; staff.* The Board shall appoint such employees, assistants and investigators and at such compensation as may be provided in the budget from time to time.

(k) *License; required.* No person, firm or corporation shall engage in the business and/or activity of becoming a surety for compensation on bonds in criminal cases, nor shall any agent, employee or representative of such a person, firm or corporation participate in any way in the solicitation of such business and/or activity without securing a license issued by the Board of Bail Bond License Commissioners pursuant to this subtitle. The license shall be exhibited at all times in the regular place of business of the licensee.

(l) *Same; when necessary.* Any person, firm or corporation which, as of July 1, 1960, is required to secure the license provided in subsection (k) hereof, shall have until October 1, 1960, to secure a license from the Board in order to continue in such business. Any such person, firm or corporation having been engaged in such business and/or activity in regular and bona fide manner for a period of six months or more prior to July 1, 1960, shall be issued a license under the provisions of this subtitle with no duty or examination other than the duty to pay the regular license fee. Such person, firm or corporation shall thereafter be subject to all the provisions of this subtitle including the right to refuse a renewal of a license, and also the right to suspend or revoke an existing license. After July 1, 1960, no person, firm or corporation shall begin or engage for the first time in the business and/or activity for compensation of becoming surety in criminal cases, or of soliciting such business and/or activity for a principal, without securing a license and complying with all the provisions of this subtitle and of the rules and regulations promulgated and adopted thereunder.

(m) *Same; fee.* The annual license fee for such a license, payable in advance, shall be \$250.00 with respect to every person, firm or corporation engaged in the business and/or activity as principal, and \$100.00 annually for every person engaged as an agent, representative or employee of a principal.

(n) *Same; applications.* The Board of Bail Bond License Commissioners shall refer all applicants for a license to the Police Commissioner for investigation of the applicant's character. The Police Commissioner shall submit his investigation to the Board, along with his recommendation as to whether the applicant should be accepted. The Board shall refuse to issue a license to any applicant where it finds that the moral character of the applicant is such that the issuance of a license would harm the administration of criminal justice in Baltimore City, or would be prejudicial to the general welfare of the residents of Baltimore City.

(o) *Same; suspended.* Any license issued under the provisions of this subtitle may be suspended or revoked by the Board for any cause which would be sufficient for a denial of the license as provided in subparagraph (n) of this Section.

(p) *Rules and regulations.* The Board is authorized and empowered to promulgate and adopt reasonable rules and regulations to carry out the intent and purpose of this subtitle.

(q) *Appeals.* Any person, firm or corporation aggrieved by the action of the Board in refusing to issue a license or in suspending or revoking a license may appeal to the Baltimore City Court where the case shall be heard *de novo*, and shall have a further right of appeal to the Court of Appeals of Maryland under the procedure generally applicable to appeals to that Court.

(r) *Bonds for motorists.* Nothing in this subtitle shall be construed or applied to require the licensing of a motor vehicle liability insurance company or carrier or of a bona fide and recognized automobile club or association, which may secure or advise as to a bond for one of its customers or members as an incidental part of its main functions nor of any insurance company, or agent therefor, authorized by the State Insurance Department of Maryland and which has capital stock of not less than five hundred thousand dollars (\$500,000) and approved assets of at least five hundred thousand dollars (\$500,000) in excess of its capital stock,

reserves and all other liabilities. All provisions of this subtitle (other than the licensing provisions) which define criminal offenses or impose criminal penalties are effective without exception as to any such company, carrier, club, association or agent.

(s) *Penalty provisions.* Any person violating any provision of this subtitle shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment of not more than twelve months, or both;¹ and if the person so convicted be a bondsman, or the agent, clerk or representative of a bondsman, he shall be disqualified from thereafter engaging in any manner in the bonding business for such a period of time as the Board shall order.]

SEC. 2. *And be it further ordained,* That this Ordinance shall take effect thirty days from the date of its passage.

Approved December 9, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

No. 566

(Council No. 1047)

AN ORDINANCE concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS -
(MT. WASHINGTON PEDIATRIC HOSPITAL, INC. FACILITY)**

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore, to issue and sell its bonds, as its limited obligations and not upon its faith and credit or pledge of its taxing power, in one or more series, in an aggregate principal amount not to exceed Thirteen Million Five Hundred Thousand Dollars (\$13,500,000), pursuant to the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement) for the sole and exclusive purpose of financing the costs of the acquisition of a certain facility in Baltimore City consisting of the construction of a building containing approximately 79,000 square feet on 23 acres of land, more or less, known as 1708 West Rogers Avenue, Baltimore City, Maryland, the renovation of an existing building on such land, the demolition of certain buildings now existing on such land, the acquisition and installation in such buildings of machinery and equipment, and any or all other improvements thereto, as may be necessary or useful in connection with the operation of the building as a pediatric hospital and health care facility and the acquisition of such other interests in real and/or personal property as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, to be owned by Mt. Washington Pediatric Hospital, Inc., a Maryland non-profit corporation, for use as a health

care facility in which comprehensive pediatrics services are offered; specifying and describing the facility to be financed; describing generally the public purposes to be served and the financing transaction to be accomplished; specifying the maximum aggregate principal amount of bonds that may be issued; authorizing the Mayor of the City, by executive order or otherwise, to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; making certain legislative findings; and specifying and describing various matters in connection therewith, as required or permitted by such Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement (the "Act"), provides that in order to accomplish the legislative policy of the Act, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time or from time to time, in one or more series for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

Mayor and City Council of Baltimore, a body corporate and politic, and a political subdivision of the State of Maryland (the "State") and a public body (as defined in the Act) (the "Public Body"), has received a letter of intent dated October 8, 1985 (the "Letter of Intent"), from Mt. Washington Pediatric Hospital Inc., a Maryland non-profit corporation (the "Borrower") and an Application dated October 8, 1985 (the "Application"), pursuant to which the Borrower has requested the Public Body to participate in the financing of the costs of the acquisition of a facility located or to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the Public Body of its bonds in an aggregate principal amount not to exceed Thirteen Million Five Hundred Thousand Dollars (\$13,500,000), pursuant to and in accordance with the Act.

The acquisition of the Facility will consist of and include (without limit):

(1) the construction of a building (the "New Building") containing approximately 79,000 square feet on 23 acres of land presently owned by the Borrower, more or less, known as 1708 West Rogers Avenue, Baltimore City, Maryland (the "Land"),

(2) the renovation of an existing building on the Land containing approximately 3,352 square feet and known as the "Estate House" (the "Estate House and the New Building are sometimes hereinafter referred to collectively as the "Buildings"),

(3) the demolition of certain buildings now existing on the Land and attached or adjacent to the Estate House,

(4) the acquisition and installation in the Buildings of machinery and equipment, and any and all other improvements thereto, as may be necessary or useful in connection with the operation of the Facility as a pediatric hospital and health care facility,

(5) the acquisition of such other interests in real and/or personal property as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities.

The Facility will be owned by the Borrower for its use in providing comprehensive pediatrics services which include: long-term post-acute habilitation and care for post neonatal intensive care infants with respiratory, oxygen or nutritional needs; continuing care for early post-traumatic or post-surgical brain or spine injured children and those with a poor prognosis for rehabilitation but needing a high level of medical care; medical rehabilitation for patients with chronic illnesses such as failure to thrive, lead poisoning, orthopedic conditions or arthritis; and long-term inpatient rehabilitation after head injury, spinal cord injury and burns. The continuum of services offered by the Borrower is provided through pre-admission care, inpatient care (including medical management, chelation therapy, nutritional therapy, respiratory disease management, continuing care and habilitation/rehabilitation), parent training, pre-discharge planning, outpatient services (including psychological assessment and treatment and rehabilitation-evaluation consultation, therapy and training), respite care and pediatric home health care. The Borrower also serves as a regional referral center for acute care hospitals, health maintenance organizations, clinics and private physicians and as an educational resource for many health care disciplines.

The acquisition of the Facility will enable the Borrower to better accommodate all of its current continuum of services. The Borrower has received approval from the Health Resources Planning Commission to increase the number of patient beds to eighty-four (84). The acquisition of the Facility will enable the Borrower to meet this need and to improve all of its existing services. This increase in the number of inpatient beds will also result in the increase of the number of new jobs in Baltimore City, as set forth in the Application.

The Public Body, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its bonds in an aggregate principal amount not to exceed Thirteen Million Five Hundred Thousand Dollars (\$13,500,000) (the "Bonds"). The proceeds of the Bonds shall be applied in accordance with Sections 266D(a) and (b) of the Act and this Resolution.

The Letter of Intent expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges that Section 103(n) provides a

formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation. The Borrower intends that the Bonds not be Private Activity Bonds and therefore, not subject to the state volume limitation. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the Public Body reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

The word "bonds" shall have the meaning indicated in the Act and includes bond anticipation notes issued in anticipation of the issuance and sale of the bonds, and it is intended that the provisions of this Resolution applying to "bonds" and "Bonds" shall include such bond anticipation notes, and any refunding bonds issued to refund any bonds or bond anticipation notes issued pursuant to this Resolution, and shall include separate series of bonds, whether issued at the same time or at different times, unless the context clearly requires a contrary meaning. Words and terms used in this Resolution (including these Recitals) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The Borrower is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility is a "facility" within the meaning of the Act; the Letter of Intent is a "letter of intent" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

(2) The issuance and sale of the Bonds by the Public Body, pursuant to the provisions of the Act, in order to make the proceeds thereof available to the Borrower for the purpose of financing the acquisition of the Facility, including the necessary expenses of preparing, printing, selling and issuing the Bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition, will facilitate and expedite the acquisition of the Facility.

(3) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry in the State and in Baltimore City; (c) assisting in the retention of existing industry in the State and in Baltimore City; (d) promoting economic development; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(4) The Bonds and the interest thereon will be limited obligations of the Public Body, and the principal of, premium, if any, and interest thereon shall be payable solely from the revenues received in connection with the financing of the Facility or from any other moneys made available to the Public Body for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the bonds in anticipation of which such notes were issued. Neither the Bonds nor the in-

terest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Public Body within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Public Body.

(5) Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, or interest on the Bonds will be commingled with the Public Body's funds or will be subject to the absolute control of the Public Body, but will be subject only to such limited supervision and checks and the Public Body shall retain only those rights as it deems necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The Facility does not constitute a capital project of the Public Body within the meaning of any statutory or charter provision. The acquisition of the Facility will achieve the public purposes of the Act.

(6) It is intended that the Bonds not be Private Activity Bonds, and that Executive Order 01.01.1985.01, Proclamation on Private Activity Bond Allocations for 1985 and Later, as amended by Executive Order 01.01.1985.18, by Harry Hughes, Governor of the State of Maryland, not apply.

SEC. 2. *And be it further resolved*, That this Resolution, among other things, evidences the present intent of the Public Body to issue, sell and deliver the Bonds in accordance with the terms and provisions of this Resolution. The Mayor of the Public Body (the "Mayor") is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the Public Body in order to further evidence the present intent of the Public Body to issue and sell the Bonds in accordance with the terms and provisions of this Resolution. The Public Body intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The Public Body and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Facility prior to satisfaction of the conditions described in Section 9 hereof, the Borrower does so at its own risk.

SEC. 3. *And be it further resolved*, That the Public Body is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not exceeding Thirteen Million Five Hundred Thousand Dollars (\$13,500,000), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation notes are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provision for the payment of which has been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account in determining the ag-

gregate principal amount of bonds issued, sold and delivered pursuant to this Resolution.

SEC. 4. *And be it further resolved*, That the Bonds shall mature not later than 30 years from their date of issuance.

SEC. 5. *And be it further resolved*, That the Public Body will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of a loan agreement (within the meaning of the Act) or a financing agreement (the "Loan Agreement"), to be used by the Borrower for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, which Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the Public Body to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. *And be it further resolved*, That the Public Body reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the Public Body in order to insure that the Public Body (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds, and (b) issues its bonds (within the meaning of the Act and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the Public Body determines, in its sole and absolute discretion, will provide the greatest benefit to the Public Body.

In particular, the Public Body reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the Public Body reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the Public Body, in its sole and absolute discretion, in order to insure that the Public Body achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it further resolved*, That the Bonds shall be executed in the name of the Public Body and on its behalf by the Mayor, by his manual or facsimile signature, and by the Director of Finance of the Public Body, by his manual or facsimile signature, and the corporate seal of the Public Body or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Mayor, the Director of Finance of the Public Body, the Custodian of the City Seal and other officials of the Public Body are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, seal and deliver on behalf of the Public Body such documents and certificates, including (without limitation) the Loan Agree-

ment, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution.

SEC. 8. *And be it further resolved*, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other prices as the Board of Finance or the Mayor, with the consent of the Borrower, deems appropriate, or may be sold at a public sale, at par, above par or below par, with the consent of the Borrower, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interests of the Public Body.

SEC. 9. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, or any series thereof, the Mayor, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

(2) shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities for the Bonds;

(3) may appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

(4) shall approve the form and contents of, and execute and deliver (where applicable), the Loan Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the Public Body is a party and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

(5) may prepare and distribute, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters or placement agents for the Bonds of any series, both a preliminary and a final official statement, offering memorandum or other similar document in connection with the sale of the Bonds of any series, if determined to be necessary or desirable in connection with the sale of the Bonds;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(8) may determine the method, and shall approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution;

(9) shall provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the Public Body in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including

the fees of bond counsel) and compensation to any person (other than full-time employees of the Public Body) performing services by or on behalf of the Public Body in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of any appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds, and for the payment of interest on the Bonds during the period of construction of the Facility and during such limited period thereafter, as the Mayor deems reasonable; and

(12) may specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and the Mayor may do any and all things appropriate for the authorization, sale, security, issuance, delivery or payment of or for the Bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. *And be it further resolved*, That the Mayor is hereby authorized and empowered to execute and deliver one or more executive orders from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, the Loan Agreement, any trust agreement or similar agreement and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each such supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution, and the documents executed in connection with the Bonds and then in effect.

SEC. 11. *And be it further resolved*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 12. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person

or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further resolved*, That either the Bonds or any bond anticipation notes must be issued and sold within six (6) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such six month period, or (b) the Board of Finance, after a showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such six month period, may extend the period during which either the Bonds or any bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six month period expires. The Board of Finance or the Mayor shall have the sole and absolute discretion without action by the City Council of the Public Body to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension of the first six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the Public Body to issue and sell the Bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue Bonds, as contained in this Resolution shall not affect the present intent of the Public Body to issue the Bonds, as described in Section 2 hereof.

SEC. 14. *And be it further resolved*, That this Resolution shall take effect on the date of its approval by the Mayor.

Approved December 9, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 567

(Council No. 963)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL PARKING LOT

FOR the purpose of granting permission for the establishment, maintenance and operation of an open off-street parking area on the property located between Greenspring Avenue, Cylburn Avenue and Northern Parkway, as outlined on the plats accompanying this Ordinance.

BY authority of

Article 30 - Zoning

Sections 4.5-1(d) and 11.0-6(d)

Baltimore City Code (1984 edition, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of an open off-street parking area on the property located between Greenspring Avenue, Cylburn Avenue and Northern Parkway as outlined in red on the plats accompanying this Ordinance under the provisions of Sections 4.5-1(d) and 11.0-6(d) of Article 30 of the Baltimore City Code (1984 edition, as amended) titled "Zoning Ordinance of Baltimore City."

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the Ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the Ordinance and one of the plats to the following: Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this Ordinance shall take effect thirty (30) days from the date of its passage.

Approved December 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 568

(Council No. 993)

AN ORDINANCE concerning

LOITERING FOR THE PURPOSE OF ENGAGING IN PROSTITUTION

FOR the purpose of increasing the penalty for this offense.

BY repealing and reordaining with amendments

Article 19—Police Ordinances

Subtitle—Loitering

Section—58 A(d)

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Section(s) of the Baltimore City Code (1983 Replacement Volume, as amended) be added, repealed, or amended, to read as follows:

ARTICLE 19—POLICE ORDINANCES

Loitering

58A. Loitering for the purpose of engaging in prostitution.

(d) Penalties. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than [five hundred dollars (\$500)] \$1,000 or imprisonment in jail not exceeding [three] 12 months, or to both fine and imprisonment, in the discretion of the Court.

SEC. 2. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved December 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 569

(Council No. 1012)

AN ORDINANCE concerning

URBAN RENEWAL - JOHNSTON SQUARE - AMENDMENT NO. 5

FOR the purpose of amending the Urban Renewal Plan for Johnston Square to, among other things, expand the Johnston Square boundaries to include the East Baltimore Community Clinic Urban Renewal Project; authorize the acquisition of certain properties by the Mayor and City Council of Baltimore; create new disposition lots for Residential and Community Business use and expand a disposition lot for Community Commercial use; indicate easements on certain disposition lots; transfer appropriate standards and controls from the East Baltimore Community Clinic Urban Renewal Plan to govern development of proposed expanded site; revise the Community Business and Community Commercial land use categories to exclude dance halls as a permitted use; recommend a zoning district change to B-2-2 for properties at 1032-1044 Aisquith Street and 1039-1065 Harford Avenue and provide that the approval of this Ordinance shall not be construed as enactment of such zoning change; revise sign provisions to delete requirements on content; provide an exception to the provision prohibiting sandblasting; revise provisions on Zoning; revise Appendices and Exhibits attached to the Urban Renewal Plan to reflect the changes provided herein; waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code which the Urban Renewal Plan for Johnston Square may not meet; provide for the separability of the various parts and applications of this Ordinance; provide that where the provisions of this Ordinance shall conflict with any other ordinance in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for Johnston Square was first approved by the Mayor and City Council of Baltimore by Ordinance No. 357, dated June 27,

1977, and amended by Ordinance 703, dated April 25, 1978, Ordinance 1110, dated June 27, 1979, Ordinance 342, dated June 19, 1981, and Ordinance 771, dated September 1, 1982; and

WHEREAS, it is necessary to amend the Urban Renewal Plan for Johnston Square to (1) permit the expansion of the East Baltimore Medical Center; (2) improve the housing in the Johnston Square area by acquiring properties for residential rehabilitation and new construction; (3) create a site for commercial development on the west side of the 1000 block of Homewood Avenue; and (4) revise and/or include certain provisions regarding dance halls, easements, signs, sandblasting and zoning; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of a renewal plan, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, extensive changes in the Urban Renewal Plan for Johnston Square make it infeasible to make line-by-line changes; therefore, the Department of Housing and Community Development has prepared an amended Urban Renewal Plan for Johnston Square; and

WHEREAS, said amended Urban Renewal Plan has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan, the detailed location of any public improvements proposed in the amended Renewal Plan, its conformity to the rules and regulations for subdivisions, and all zoning changes proposed in the amended Renewal Plan; and said amended Urban Renewal Plan has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the amended Urban Renewal Plan for Johnston Square, identified as "Urban Renewal Plan, Johnston Square . . . revised to include Amendment No. 5, dated 9/24/85 AND REVISED 11/1/85", having been duly reviewed and considered, is hereby approved and the Clerk of the City Council is hereby directed to file a copy of said amended Urban Renewal Plan with the Department of Legislative Reference as a permanent public record and to make the same available for public inspection and information.

SEC. 2. *And be it further ordained*, That the East Baltimore Community Clinic Urban Renewal Project, as established by Ordinance No. 536, dated June 27, 1969, is hereby incorporated into the Johnston Square Urban Renewal Area, and is hereby subjected to the amended Renewal Plan established by this Ordinance. Therefore, Section 1 of Ordinance No. 357, approved June 27, 1977, is hereby amended to read as follows:

"Beginning for the same at the intersection of the south side of Eager Street and the east side of Fallsway; thence binding on the east side of Fallsway northerly to intersect the north side of Eager Street; thence binding on the north side of Eager Street easterly to intersect the western boundary of Lot No. 2 Block 1179-B; thence binding on the western boundary of Lot No. 2 northerly to intersect the south side of Chase Street; thence crossing Chase Street northerly to the north side of Chase Street; thence binding on the north side of Chase Street easterly to intersect the western boundary of Lot No. 1 Block 1165-B; thence binding on the western boundary of Lot No. 1, Lot No. 2 Block 1165-B and an existing three-foot alley northerly to intersect the southern boundary of Lot No. 26 Block 1165-B; thence binding on the southern boundary of Lot No. 26 easterly to intersect the division line between Lot No. 25 and Lot No. 26 Block 1165-B; thence binding on said division line northerly and crossing Biddle Street to intersect the north side of Biddle Street; thence binding on the north side of Biddle Street westerly to intersect the western boundary of Lot No. 40 Block 1152; thence binding on the boundary of Lot No. 40 northwesterly, and northerly to intersect the southern boundary of Lot No. 57/59 Block 1152; thence binding on the boundary of Lot No. 57/59 easterly, northerly, and easterly to intersect the division line between Lot No. 57/59 and 55/56 Block 1152; thence binding on said division line northerly and crossing Preston Street to intersect the west side of an existing twenty-foot alley; thence binding on the west side of said alley and the boundary of Lot No. 54 Block 1128 northeasterly, and continuing on the boundary of Lot No. 54, northeasterly, easterly, northerly, and continuing on said boundary and the southern boundary of Lot No. 53 Block 1128 easterly to intersect the northwestern boundary of Lot No. 16 Block 1128; thence binding on the division line between Lot. No. 53 and Lot No. 16, northeasterly and easterly; thence continuing on the southern boundary line of Lot No. 53 easterly crossing a twenty-foot alley and continuing easterly to intersect the west side of Greenmount Avenue; thence binding on the west side of Greenmount Avenue northerly to intersect the southern boundary of Lot No. 30 Block 1128; thence crossing Greenmount Avenue easterly to intersect the north side of Hoffman Street; thence binding on the north side of Hoffman Street easterly to intersect the west side of Ensor Street; thence binding on the extension of the west side of Ensor Street and continuing on the west side of Ensor Street southerly to intersect the south side of Biddle Street; thence binding on the extension of the south side of Biddle Street and continuing on the south side of Biddle Street easterly to intersect the west side of Eden Street; thence binding on the west side of Eden Street southerly to intersect the north side of Eager Street; thence binding on the north side of Eager Street westerly to intersect the west side of Aisquith Street; thence binding on the extension of the west side of Aisquith Street southerly to intersect the south side of Eager Street; thence binding on the south side of Eager Street westerly to intersect the east side of Homewood Avenue; thence binding on the extension of the east side of Homewood Avenue northerly to intersect the north side of Eager Street; thence binding on the north side of Eager Street westerly to intersect the west side of Greenmount Avenue; thence binding on the extension of the west side of Greenmount Avenue southerly to intersect the south side of Eager Street; thence binding on the south side of Eager Street westerly to the point of beginning.

[This boundary excludes the area designated as the East Baltimore Community Clinic, the boundary of which is described in Ordinance No. 536, approved June 27, 1969.]”

SEC. 3. *And be it further ordained*, That it is necessary to acquire, by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to certain properties or portions thereof, together with all right, title, interest and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the perimeter of said area, situate in Baltimore City, Maryland, and described as follows:

1000 Aisquith Street
1001 Aisquith Street
1002 Aisquith Street
1003 Aisquith Street
1004 Aisquith Street
1005 Aisquith Street
1006 Aisquith Street
1007 Aisquith Street
1008 Aisquith Street
1009 Aisquith Street
1010 Aisquith Street
1011 Aisquith Street
1012 Aisquith Street
1013 Aisquith Street
1014 Aisquith Street
1015 Aisquith Street
1016 Aisquith Street
1017 Aisquith Street
1018 Aisquith Street
1019/33 AISQUITH STREET
1020 Aisquith Street
1022 Aisquith Street
1024 Aisquith Street
1032 Aisquith Street
1034 Aisquith Street
1035 Aisquith Street
1036 Aisquith Street
1037 Aisquith Street
1038 Aisquith Street
1039 Aisquith Street
1040 Aisquith Street
1041 Aisquith Street
1042 Aisquith Street
1043 Aisquith Street
1044 Aisquith Street
1045 Aisquith Street
1047 Aisquith Street
1049 Aisquith Street

1051 Aisquith Street

1053 Aisquith Street

1010 Brentwood Avenue

1012 Brentwood Avenue

1014 Brentwood Avenue

1016 Brentwood Avenue

1038 Brentwood Avenue

1040 Brentwood Avenue

1050 Brentwood Avenue

1101 Brentwood Avenue

502 E. Chase Street

504-06 E. Chase Street

508 E. Chase Street

841 E. Chase Street

1205 E. Chase Street

1206 E. Chase Street

1208 E. Chase Street

1000 E. Eager Street

1100 E. Eager Street

1102 E. Eager Street

1104 E. Eager Street

1238 E. Eager Street

1240 E. Eager Street

1039 Harford Avenue

1041 Harford Avenue

1043 Harford Avenue

1045 Harford Avenue

1047 Harford Avenue

1049 Harford Avenue

1051 Harford Avenue

1053 Harford Avenue

1055 Harford Avenue

1057 Harford Avenue

1059 Harford Avenue

1061 Harford Avenue

1063 Harford Avenue

1065 Harford Avenue

1030 Homewood Avenue

1032 Homewood Avenue

705 E. Preston Street

719 E. Preston Street

740 E. Preston Street

751 E. Preston Street

909 E. Preston Street
915 E. Preston Street
917 E. Preston Street
936 E. Preston Street

1101 Somerset Street
1103 Somerset Street
1105 Somerset Street
1107 Somerset Street
1109 Somerset Street
1111 Somerset Street
1113 Somerset Street
1115 Somerset Street
1117 Somerset Street
1119 Somerset Street
1121 Somerset Street
1123 Somerset Street
1125 Somerset Street
1127 Somerset Street
1129 Somerset Street
1131 Somerset Street

1001 Stirling Street
1003 Stirling Street
1009 Stirling Street
1011 Stirling Street
1013 Stirling Street
1015 Stirling Street

SEC. 4. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this Ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Division, person or persons is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 5. *And be it further ordained*, That the newly created disposition lots for Residential and Community Business use, the expanded disposition lot for Community Commercial use, the easements on certain disposition lots - all as shown on Exhibit 3, Land Disposition Map, dated as revised 9/24/85 11/1/85 - are hereby approved.

SEC. 6. *And be it further ordained*, That the standards and controls governing development of the Disposition Lot 12 (Community Business)–the site of the East Baltimore Medical Center–as contained in Section B.2.a.(4)(c) of the amended Urban Renewal Plan–are hereby approved.

SEC. 7. *And be it further ordained*, That the revisions to the list of permitted uses under the Community Business and Community Commercial land use categories in Sections B.1.d. and B.1.e. of the amended Urban Renewal Plan to exclude dance halls are hereby approved.

SEC. 8. *And be it further ordained*, That the approval of Amendment No. 5 to the Urban Renewal Plan for Johnston Square shall not be construed as an enactment of the amendment of the Zoning Ordinance of Baltimore City whereby B-2-2 zoning is recommended for the properties known as 1032 through 1044 Aisquith Street and 1039 through 1065 Harford Avenue–as shown in the amended Urban Renewal Plan on Exhibit 4, Zoning Districts, dated as revised 9/24/85.

SEC. 9. *And be it further ordained*, That the provisions on signs in the Urban Renewal Plan shall be amended to delete all requirements relating to content of signs–as shown in B.2.a.(1)(e) of the amended Urban Renewal Plan.

SEC. 10. *And be it further ordained*, That cleaning of masonry facades by means of sandblasting shall not be permitted in Johnston Square, except where sandblasting is determined by the Commissioner of the Department of Housing and Community Development to be the only feasible means of surface cleaning and where in the Commissioner's opinion, it will not cause damage to historic building materials.

SEC. 11. *And be it further ordained*, That the revised language contained in the amended Urban Renewal Plan under Section C.6., entitled "Zoning", which clarifies the procedural requirements of the Zoning Ordinance of Baltimore City, is hereby approved.

SEC. 12. *And be it further ordained*, That the following Appendices and Exhibits are hereby approved: Appendix A–Properties for Acquisition and Disposition for Rehabilitation, Exhibit 1–Land Use Plan, Exhibit 2–Property Acquisition, Exhibit 3–Land Disposition, and Exhibit 4–Zoning Districts, ~~all~~ APPENDIX A AND EXHIBITS 1 AND 4 dated as revised 9/24/85 AND EXHIBITS 2 AND 3 DATED AS REVISED 11/1/85.

SEC. 13. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 14. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of

this Ordinance, or the application thereof to any person or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 15. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 16. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved December 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 570

(Council No. 774)

AN ORDINANCE concerning

REZONING - 801-805 E. PATAPSCO AVENUE

FOR the purpose of changing the zoning for the REAR PORTION OF THE properties known as 801-805 E. Patapsco Avenue from the ~~B-2-2 Zoning District~~ to the B-3-2 Zoning District as outlined in red, and the rear portion of the same properties from the R-6 Zoning District to the ~~B-3-2~~ B-2-2 Zoning District as outlined in blue RED on the AMENDED plats accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 96

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 96 of the Zoning District Maps of Article 30 of the Baltimore City Code

(1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by ~~changing from the B-2-2 Zoning District to the B-3-2 Zoning District the properties known as 801-805 E. Patapsco Avenue as outlined in red and by changing from the R-6 to the B-3-2 B-2-2 ZONING DISTRICT the rear portion of the same properties KNOWN AS 801-805 E. PATAPSCO AVENUE as outlined in blue RED on the AMENDED plats accompanying this ordinance.~~

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved December 17, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 571

(Council No. 775)

AN ORDINANCE concerning

ZONING - APPROVAL FOR CONDITIONAL USE
DRIVE-IN RESTAURANT ~~WITH A DRIVE THROUGH WINDOW~~
AND PARKING LOT
801-805 E. PATAPSCO AVENUE

FOR the purpose of granting permission for the establishment, maintenance and operation of a drive-in restaurant ~~with a drive through window~~ on the properties known as 801-805 E. Patapsco Avenue, as outlined in red on the AMENDED plats accompanying this ordinance; AND GRANTING PERMISSION FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF AN OPEN OFF-STREET PARKING AREA ON THE REAR PORTION OF THE PROPERTY AT 801-805 E. PATAPSCO AVENUE, AS OUTLINED IN BLUE ON THE AMENDED PLATS ACCOMPANYING THIS ORDINANCE.

BY authority of

Article 30 - Zoning

Sections ~~6.3-1d~~ 4.6-1D, 6.2-1D and 11.0-6d

Baltimore City Code (1983 Replacement Volume, as amended)

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That permission is hereby granted for the establishment, maintenance and operation of a drive-in restaurant ~~with a drive through window~~ on the properties known as 801-805 E. Patapsco Avenue, as outlined in red on the AMENDED plats accompanying this ordinance, under the provisions of Sections ~~6.3-1d~~ 6.2-1D and 11.0-6d of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning".

SEC. 2. *AND BE IT FURTHER ORDAINED*, THAT PERMISSION IS HEREBY GRANTED FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF AN OPEN OFF-STREET PARKING AREA ON THE REAR OF THE PROPERTIES KNOWN AS 801-805 E. PATAPSCO AVENUE, AS OUTLINED IN BLUE ON THE AMENDED PLATS ACCOMPANYING THIS ORDINANCE, UNDER THE PROVISIONS OF SECTIONS 4.6-1D AND 11.0-6D OF ARTICLE 30 OF THE BALTIMORE CITY CODE (1983 REPLACEMENT VOLUME, AS AMENDED), TITLE "ZONING".

SEC. 2 3. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development and the Zoning Administrator.

SEC. 3 4. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved December 17, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 572

(Council No. 974)²

AN ORDINANCE concerning

URBAN RENEWAL - COLDSRING - AMENDMENT NO. 5

FOR the purpose of amending the Urban Renewal Plan for Coldspring to:

- (1) create a new land use category Residential "A" limited to MEDICAL OFFICE BUILDING - RELATED AND hospital-related parking and change the land use of 5001-5101 Greenspring Avenue from Residential to Residential "A";
- (2) waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended) which the

Renewal Plan for Coldspring may not meet; (3) provide for the separability of the various parts and applications of this ordinance; (4) provide that where the provisions of this ordinance shall conflict with any other ordinance, code or regulation in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and (5) provide for an effective date thereof.

WHEREAS, An Urban Renewal Plan for Coldspring was first approved by the Mayor and City Council of Baltimore by Ordinance No. 242, dated January 8, 1973, and amended by Ordinance No. 847, dated April 7, 1975, and amended by resolutions of the Board of Estimates on October 8, 1975 and April 21, 1982, and amended by Ordinance 382, dated May 3, 1985; and

WHEREAS, Pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan, after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, A list of changes to the Urban Renewal Plan for Coldspring, identified as "Amendment No. 5 to the Urban Renewal Plan for Coldspring dated August 15, 1985 has been prepared; and

WHEREAS, in accordance with the provisions of section 25(h) of said article 13, when a councilmember initiates an amendment to an existing renewal plan, such bill shall be sent to the Department of Housing and Community Development and to the Planning Commission for Recommendation and Report; Now, Therefore

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the following amendment and changes to the Renewal Plan for Coldspring, having been duly reviewed and considered, are hereby approved, and the Clerk of the City Council is hereby directed to file a copy of said Renewal Plan, revised to include Amendment No. 5, dated August 15, 1985, with the Department of Legislative Reference as a permanent public record and make the same available for public inspection and information.

1. On the Cover Page:

a. Insert the following new caption under "~~REVISIONS SINCE APPROVAL BY THE MAYOR AND CITY COUNCIL~~":

"Amendment No. 5, dated August 15, 1985, approved by the Mayor and City Council of Baltimore by Ordinance No. ____"

2 1. In the Table of Contents:

a. page i, insert the following new subsection under section titled "GENERAL LAND USE PLAN":

"Residential "A" C.2.b. 5"

b. page i, section titled "GENERAL LAND USE PLAN", delete the Paragraph Reference following "Neighborhood Center" and substitute "C.2.c." in lieu thereof.

c. page i, section titled "GENERAL LAND USE PLAN", delete the Paragraph Reference following "Town Center" and substitute "C.2.d." in lieu thereof.

d. page i, section titled "GENERAL LAND USE PLAN", delete the Paragraph Reference following "Semi-Public" and substitute "C.2.e." in lieu thereof.

e. page i, section titled "GENERAL LAND USE PLAN", delete the Paragraph Reference following "Public" and substitute "C.2.f." in lieu thereof.

f. page i, section titled "GENERAL LAND USE PLAN", delete the Paragraph Reference following "Industrial" and substitute "C.2.g." in lieu thereof.

g. page ii, section titled "EXHIBITS," delete the date for ND 401-1 and substitute "August 15, 1985" in lieu thereof.

3 2. In Section C.2. entitled "Description of ~~Prominent~~ PREDOMINANT Land Uses":

a. page 5, add the following new subsection after "a. Residential".

"b. Residential "A"

In the area designated on the General Land Use Plan as Residential "A", the use shall be limited to MEDICAL OFFICE BUILDING-RELATED AND hospital related parking."

b. page 5, delete subsection title "b. Neighborhood Center" and substitute "c. Neighborhood Center" in lieu thereof.

c. page 5, delete subsection title "c. Town Center" and substitute "d. Town Center" in lieu thereof.

d. page 5, delete subsection title "d. Semi-Public" and substitute "e. Semi-Public" in lieu thereof.

e. page 5, delete subsection title "e. Public" and substitute "f. Public" in lieu thereof.

f. page 5, delete subsection title "f. Industrial" and substitute "g. Industrial" in lieu thereof.

4 3. Immediately following page 13, strike Exhibit ND 401-1 General Land Use Plan Map, dated as revised February 7, 1985, and substitute Exhibit ND 401-1 General Land Use Plan Map, dated as revised August 15, 1985, in lieu thereof.

SEC. 2. *And be it further ordained*, That the entire property at 5001-5101 Greenspring Avenue shall be shown Residential "A" as shown on Exhibit 401-1, dated as revised August 15, 1985, and that such property shall be limited to hospital related parking.

SEC. 3. *And be it further ordained*, That in whatever respect, if any, the said amended Renewal Plan approved hereby may not meet the requirements as to

the content of a renewal plan or the procedures for the preparation, adoption, and approval of renewal plans, as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted therefrom.

SEC. 4. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this ordinance, or the application thereof to any person or circumstances, is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 5. *And be it further ordained*, That in any case where a provision of this ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance, or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety; the provision of this ordinance shall prevail, and the other existing provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this ordinance.

SEC. 6. *And be it further ordained*, That this ordinance shall take effect from the date of its enactment.

Approved December 17, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 573

(Council No. 1098)

AN ORDINANCE concerning

ISSUANCE OF PARKING REVENUE OBLIGATIONS

FOR the purpose of increasing the maximum aggregate principal amount of Revenue Obligations authorized to be issued by the Mayor and City Council of Baltimore pursuant to Ordinance No. 998 (Bill No. 1602), as amended, of the Mayor and City Council of Baltimore, approved and effective on June 30, 1983, from not exceeding Seventy-Six Million Dollars (\$76,000,000) to not exceeding ~~One Hundred Twenty Million Dollars (\$120,000,000)~~ NINETY-THREE MILLION DOLLARS (\$93,000,000).

BY amending paragraph A of Section 3 of Ordinance No. 998 (Bill No. 1602) of the Mayor and City Council of Baltimore (approved and effective on June 30, 1983) as amended by Ordinances No. 67 (Bill No. 132) of the Mayor and City Council of Baltimore (approved and effective on May 14, 1984) and No. 221 (Bill No. 405) of the Mayor and City Council of Baltimore (approved and effective on November 23, 1984).

RECITALS

Ordinance No. 998 (Bill No. 1602) (the "Ordinance") of the Mayor and City Council of Baltimore (the "City"), approved by the Mayor of the City and effective on June 30, 1983, authorizes the issuance from time to time by the City of its Revenue Obligations (as defined in the Ordinance) (the "Revenue Obligations") in order to finance Parking Facilities (as defined in the Ordinance) (the "Parking Facilities") to be located within the geographical limits of the City.

By Ordinance No. 67 (Bill No. 132) of the Mayor and City Council of Baltimore, approved by the Mayor of the City and effective on May 14, 1984, the aggregate principal amount of Revenue Obligations authorized to be issued pursuant to the Ordinance was increased from \$30,000,000 to \$60,000,000.

By Ordinance No. 221 (Bill No. 405) of the Mayor and City Council of Baltimore, approved by the Mayor of the City and effective on November 23, 1984, the aggregate principal amount of Revenue Obligations authorized to be issued pursuant to the Ordinance was increased from \$60,000,000 to \$76,000,000.

Because of certain events that have occurred since the passage of the Ordinance which affect the aggregate principal amount of Revenue Obligations which may be required to be issued by the City in order to finance Parking Facilities, the City wishes to enact this supplemental ordinance to increase to ~~One Hundred Twenty Million Dollars (\$120,000,000)~~ NINETY-THREE MILLION DOLLARS (\$93,000,000) the aggregate principal amount of Revenue Obligations that may be issued under the Ordinance.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That paragraph (A) of Section 3 of Ordinance No. 998 (Bill No. 1602) of the Mayor and City Council of Baltimore, approved and effective June 30, 1983, as amended by Ordinance No. 67 (Bill No. 132) of the Mayor and City Council of Baltimore, approved and effective on May 14, 1984, and No. 221 (Bill No. 405) of the Mayor and City Council of Baltimore, approved and effective on November 23, 1984, be and hereby is amended to read as follows:

(A) The issuance, sale and delivery of an aggregate principal amount of Revenue Obligations which, when issued, will result in receipt by the City (inclusive of Costs of Issuance, as defined herein) of not exceeding [Thirty Million Dollars (\$30,000,000)] [Sixty Million Dollars (\$60,000,000)] [Seventy Six Million Dollars (\$76,000,000)] ~~One Hundred Twenty Million Dollars (\$120,000,000)~~ NINETY-THREE MILLION DOLLARS (\$93,000,000) is hereby authorized for the general public purposes of financing the cost of Parking Development Activities at or for Parking Facilities owned by the City, the proceeds of which are to finance the applicable Parking Development

Activities, and repaying the City for amounts expended on Parking Facilities in anticipation of the issuance of the Revenue Obligations. This maximum amount may consist of (i) Revenue Notes, (ii) Revenue Bonds, (iii) Refunding Revenue Notes, (iv) Refunding Revenue Bonds or (v) any combination of items (i) to (iv) above. Any Refunding Obligations issued hereunder to refund any Revenue Obligations previously issued hereunder shall replace that portion of the authorized amount of Revenue Obligations previously issued and shall not be deemed to reduce the maximum authorized amount of Revenue Obligations permitted to be issued hereunder.

SEC. 2. *Be it further ordained*, That Ordinance No. 998 (Bill No. 1602) of the Mayor and City Council of Baltimore, approved and effective June 30, 1983, as amended by Ordinances No. 67 (Bill No. 132), No. 70 (Bill No. 190, of the Mayor and City Council of Baltimore, both approved and effective on May 14, 1984, and No. 221 (Bill No. 405) of the Mayor and City Council of Baltimore, approved and effective on November 23, 1984, and as amended by this ordinance, shall remain in full force and effect.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect from the date of its passage.

Approved December 17, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 574

(Council No. 1099)

AN ORDINANCE concerning

SUPPLEMENTARY APPROPRIATION—
CUSTOM HOUSE PARKING GARAGE

FOR the purpose of providing a supplementary special fund appropriation in the maximum amount of (i) Fifteen Million Dollars (\$15,000,000) for the Custom House Parking Garage to be located in the vicinity of the intersection of South Gay Street, Water Street and Custom House Avenue to the Off-Street Parking Commission to be used for the purpose of establishing, constructing, erecting, altering, expanding; enlarging, improving, equipping, repairing, maintaining, operating, controlling and regulating off-street parking facilities.

BY authority of

Article VI—Board of Estimates

Section 2(h)(3)

Baltimore City Charter (1964 Revision, as amended)

RECITALS

Article XI-C, Section 3, of the Constitution of the State of Maryland, Article II, subsection (20)(c), of the Charter of Baltimore City, 1964 Revision, as amended,

and Bill No. 1609, passed by the City Council on June 30, 1983 and approved by the Mayor on June 30, 1983, as amended (the "Ordinance"), provide for the issuance from time to time by Mayor and City Council of Baltimore (the "City") of its revenue bonds, notes or other obligations (including bond anticipation notes) in an aggregate principal amount set forth in the Ordinance for the purpose of providing off-street parking facilities within the geographical limits of the City.

The money appropriated by this Ordinance represents the proceeds from the sale of one or more series of such bonds, notes or other obligations (the "Bonds") in the maximum principal amount of \$15,000,000, for the Custom House Parking Garage (hereinafter defined).

The sums appropriated by this Ordinance are for new programs which could not reasonably be anticipated at the time of formulation of the proposed Ordinance of Estimates for the 1986 fiscal year, in accordance with Article VI, Section 2(h)(3), of said Charter.

The supplementary special fund appropriation made available by this Ordinance has been recommended to the City Council by the Board of Estimates at a regular meeting of said Board, all in accordance with Article VI, Section 2(h)(3), of the Baltimore City Charter (1964 Revision, as amended).

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore, That,* under the provisions of Article VI, Section 2(h)(3), of the 1964 Revision of the Charter of Baltimore City, the sum of up to Fifteen Million Dollars (\$15,000,000) for the Custom House Parking Garage to be located in the vicinity of South Gay Street, Water Street and Custom House Avenue and consisting (by way of general description and not limitation) of a multi-level parking facility containing approximately 1300 spaces shall be made available to the Off-Street Parking Commission of the City of Baltimore as a supplementary special fund appropriation for the fiscal year ending June 30, 1986 for the purpose of establishing, constructing, erecting, altering, expanding, enlarging, improving, equipping, repairing, maintaining, operating, controlling and regulating certain off-street parking facilities to be located as set forth above and include (without limitation) any interests in land necessary or desirable for such facility (the "Facilities"). The exact amount to be made available to the Off-Street Parking Commission pursuant to this Ordinance shall be equal to the aggregate principal amount of the Bonds issued by the City, acting through the Board of Finance in accordance with the Ordinance, and allocated by the Board of Finance to finance each of such Facilities and provide for such other costs in connection with the Facilities or the issuance, sale and delivery of the Bonds as the Board of Finance may determine in accordance with the Ordinance. Each amount thus made available as a supplementary special fund appropriation shall be expended from the proceeds of the sale of the Bonds received by the City; and said amount shall be the source of revenue for the supplementary special fund appropriation, as required by Article VI, Section 2, of the Baltimore City Charter (1964 Revision, as amended).

SEC. 2. *Be it further ordained, That,* this Ordinance shall constitute "some other similar official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Treasury Department

with respect to the following amount appropriated hereby, namely, \$15,000,000 for the Custom House Parking Garage.

SEC. 3. *And be it further ordained*, That, this ordinance shall take effect from the date of its passage.

Approved December 24, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 575

(Council No. 681)

AN ORDINANCE concerning

URBAN RENEWAL-CATON/95 -
AMENDMENT 2 TO THE RENEWAL PLAN

FOR the purpose of amending the Urban Renewal Plan for Caton/95 to authorize the acquisition of 1505 Bloomfield Avenue ~~and 1506 S. Caton Avenue~~ for urban renewal purposes; consolidate 1505 BLOOMFIELD AVENUE AND PREVIOUSLY AUTHORIZED TO BE ACQUIRED PROPERTIES IN the block bounded by Caton, Joh, Bloomfield, and Bloede Avenues into one disposition lot for community business development; revise certain Exhibits attached to the Plan to reflect the changes provided herein; waive such requirements, if any, as to content or procedure for the preparation, adoption, and approval of renewal plans as set forth in Article 13 of the Baltimore City Code which the Renewal Plan for Caton/95 may not meet; provide for the severability of the various parts and applications of this Ordinance; provide that where the provisions of this Ordinance shall conflict with any other ordinance, code or regulation, in force in the City of Baltimore, the provision which establishes the higher standard shall prevail; and provide for an effective date hereof.

WHEREAS, an Urban Renewal Plan for Caton/95 was approved by the Mayor and City Council of Baltimore by Ordinance No. 399, dated July 2, 1981, and amended by Ordinance No. 984, dated June 27, 1983; and

WHEREAS, pursuant to Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), no substantial change or changes shall be made in any renewal plan after approval by ordinance, without such change or changes first being adopted and approved in the same manner as set forth in said Article 13 for the approval of renewal plans, namely the preparation of such change or changes by the Department of Housing and Community Development, the approval of such change or changes by the Director of the Department of Planning, and approval and adoption by an ordinance of the Mayor and City Council of Baltimore after a public hearing in relation thereto, all in the manner set forth in said Article 13; and

WHEREAS, it is necessary to acquire 1505 Bloomfield Avenue and ~~1506 S. Caton Avenue~~ in order to eliminate A blighting influences on adjacent future

development and to consolidate 1505 BLOOMFIELD AVENUE AND PREVIOUSLY AUTHORIZED TO BE ACQUIRED PROPERTIES IN the block bounded by Caton, Joh, Bloomfield, and Bloede Avenues into one disposition lot for community business use; and

WHEREAS, the Department of Housing and Community Development has prepared a list of changes to the Renewal Plan for Caton/95, identified as "Amendment No. 2 to the Urban Renewal Plan for Caton/95", dated February 8, 1985" AND REVISED JUNE 13, 1985; and

WHEREAS, said Amendment No. 2 to the Renewal Plan for Caton/95 has been approved by the Director of the Department of Planning with respect to its conformity as to the Master Plan; the detailed location of any public improvements proposed in the amended Renewal Plan; its conformity to the rules and regulations for subdivisions; and its conformity to existing zoning classifications; and said Amendment No. 2 to the Renewal Plan for Caton/95 has been approved and recommended to the Mayor and City Council of Baltimore by the Commissioner of the Department of Housing and Community Development; now, therefore,

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That the following amendment and changes to the Urban Renewal Plan for Caton/95 having been duly reviewed and considered, are hereby approved, and the Clerk of the City Council is hereby directed to file a copy of said Urban Renewal Plan, revised to include Amendment No. 2, dated February 8, 1985 AND REVISED JUNE 13, 1985, with the Department of Legislative Reference as a permanent public record and make the same available for public inspection and information:

1. In the Table of Contents, section entitled "Exhibits", delete the dates following Property Acquisition Map and Land Disposition Map and substitute "~~February 8~~ JUNE 13, 1985".

2. Delete Exhibit 2-Property Acquisition Map and Exhibit 3-Land Disposition Map, and substitute revised Exhibits 2 and 3, dated as revised ~~February 8~~ JUNE 13, 1985 in order to show the following changes in acquisition and disposition:

a. indicate the acquisition of 1505 Bloomfield Avenue. ~~and 1506 S. Caton Avenue.~~

b. eliminate Disposition Lot 3 and show ~~the entire~~ 1505 BLOOMFIELD AVENUE AND PREVIOUSLY AUTHORIZED TO BE ACQUIRED PROPERTIES IN THE block bounded by Caton, Joh, Bloomfield, and Bloede Avenues as Disposition Lot 1 for Community Business use.

SEC. 2. *And be it further ordained*, That it is necessary to acquire by purchase or by condemnation, for urban renewal purposes, the fee simple interest or any lesser interest in and to A certain ~~properties~~ PROPERTY or portions thereof, together with all rights, title, interest and estate that the owner or owners of said property interests may have in all streets, alleys, ways or lanes, public or private, both abutting the whole area described and/or contained within the

perimeter of said area situate in Baltimore City, Maryland, and described as follows:

1505 Bloomfield Avenue

~~1506 S. Caton Avenue~~

SEC. 3. *And be it further ordained*, That the Real Estate Acquisition Division of the Department of the Comptroller, or such person or persons and in such manner as the Board of Estimates, in the exercise of the power vested in it by Article V, Section 5, of the Baltimore City Charter, may hereafter from time to time designate, is or are authorized to acquire on behalf of the Mayor and City Council of Baltimore and for the purposes described in this Ordinance, the fee simple interest or any lesser interest in and to the properties or portions thereof hereinabove mentioned. If the said Division, person or persons is or are unable to agree with the owner or owners on the purchase price for said properties or portions thereof, it or they shall forthwith notify the City Solicitor of Baltimore City, who shall thereupon institute in the name of the Mayor and City Council of Baltimore the necessary legal proceedings to acquire by condemnation the fee simple interest or any lesser interest in and to said properties or portions thereof.

SEC. 4. *And be it further ordained*, That in whatever respect, if any, the amended Renewal Plan approved hereby for the Caton/95 area may not meet the requirements as to the content of a renewal plan or the procedure for the preparation, adoption, and approval of renewal plans as provided in Article 13 of the Baltimore City Code (1983 Replacement Volume, as amended), the said requirements are hereby waived and the amended Renewal Plan approved hereby is exempted herefrom.

SEC. 5. *And be it further ordained*, That in the event it be judicially determined that any word, phrase, clause, sentence, paragraph, section or part in or of this Ordinance, or the application thereof to any persons or circumstances is invalid, the remaining provisions and the application of such provisions to other persons or circumstances shall not be affected thereby, the Mayor and City Council hereby declaring that they would have ordained the remaining provisions of this Ordinance without the word, phrase, clause, sentence, paragraph, section or part, or the application thereof so held invalid.

SEC. 6. *And be it further ordained*, That in any case where a provision of this Ordinance concerns the same subject matter as an existing provision of any zoning, building, electrical, plumbing, health, fire or safety ordinance, or code or regulation, the applicable provisions concerned shall be construed so as to give effect to each; provided, however, that if such provisions are found to be in irreconcilable conflict, the provision which establishes the higher standard for the promotion of the public health and safety shall prevail. In any case where a provision of this Ordinance is found to be in conflict with an existing provision of any other ordinance or code or regulation in force in the City of Baltimore which establishes a lower standard for the promotion and protection of the public health and safety, the provision of this Ordinance shall prevail, and the other ex-

isting provision of such other ordinance or code or regulation is hereby repealed to the extent that it may be found in conflict with this Ordinance.

SEC. 7. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved December 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 576

(Council No. 926)

AN ORDINANCE concerning

BUILDING CODE OF BALTIMORE CITY

FOR the purpose of adopting with certain amendments, deletions, and additions, the BOCA Basic/National Building Code, 9th Edition, 1984; the BOCA Basic/National Mechanical Code, 5th Edition, 1984; the CABO Model Energy Code, 1983 Edition; and the Supplement to the Building Code of Baltimore City, 1982 Edition, as amended, all as Article 32 of the Baltimore City Code—the Building Code of Baltimore City; redesignating the 1982 Official Supplement to the Building Code of Baltimore City as The Baltimore City Building Code, authorizing the Director of the Department of Legislative Reference to renumber section headings, and section, subsection and article references to conform to the numbering system in the BOCA Code books; providing for the effect, construction and effective date of this Ordinance; and generally relating to the adoption and revision of the Building Code of Baltimore City.

BY repealing

Article 32 of the Baltimore City Code—The Building Code of Baltimore City as adopted by Ordinance No. 722, 1982,

BY adopting

Article 32 of the Baltimore City Code—The Building Code of Baltimore City consisting of:

the BOCA Basic/National Building Code, 9th Edition, 1984;

the BOCA Basic/National Mechanical Code, 5th Edition, 1984;

the CABO Model Energy Code, 1983 Edition; and

the 1982 Official Supplement to the Building Code of Baltimore City, AS AMENDED to be redesignated as The Baltimore City Building Code.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore City*, That the Building Code of Baltimore City adopted by Ordinance No. 722, 1982, be and the same is hereby repealed.

SEC. 2. *And be it further ordained*, That the BOCA Basic/National Building Code, 9th Edition, 1984; the BOCA Basic/National Mechanical Code, 5th Edition, 1984; the CABO Model Energy Code, 1983 Edition; and the 1982 Official Supplement to the Building Code of Baltimore City, ~~1982 Edition, as amended~~ AS AMENDED be and they are adopted as the Building Code of Baltimore City, Article 32 of the Baltimore City Code.

SEC. 3. *And be it further ordained*, That the 1982 Official Supplement to the Building Code of Baltimore City, AS AMENDED and amendments contained herein, are hereby designated as The Baltimore City Building Code.

SEC. 4. *And be it further ordained*, That the following sections of the BOCA Basic/National Building Code, 9th Edition, 1984, and the BOCA Basic/National Mechanical Code, 5th Edition, 1984, of the Building Code of Baltimore City hereby being adopted are hereby repealed:

100.1, 100.2, 100.3, 103.1, 103.3, 104.2, 104.3, 107.2, ~~109.1, 109.2, 109.5, 109.6, 109.7, 109.8~~, 109.0 IN ITS ENTIRETY, 110.1, 111.1, 112.5, 112.6, 114.1, 114.3, 114.3.1, 114.4, 114.5, 115.2, 115.2.1, 115.2.2, 115.2.3, 115.2.3.1, 115.2.3.2, 115.2.3.3, 115.4, 117.1, 117.2, 117.3, 117.4, 118.2, 120.1, 120.2, 120.3, 121.2, 121.5, 123.0 in its entirety, 124.0 in its entirety, 201.0 ("Definitions"- the following terms only: Building official, ~~Dwelling~~ DWELLINGS, and Person), 309.4, TABLE 401, 500.1, 506.1, 506.2, 507.0 in its entirety, 508.0 in its entirety, 509.0 in its entirety, 510.0 in its entirety, 511.1, 511.3, 512.0 in its entirety, 513.0 in its entirety, 618.1, 618.3, 618.3.1, 618.3.1.4, 618.3.1.4.1, 618.3.1.4.2, 618.3.1.4.3, 618.3.1.4.4, 618.3.1.4.5, 618.3.1.4.6, 618.3.1.4.7, 618.3.1.4.8, 618.3.1.4.9, 619.3.1.4.10, 618.3.2, 618.3.2.1, 618.3.2.2, 618.3.2.3, 618.3.2.4, 618.3.2.5, 618.3.2.6, 618.7, 618.7.1, 618.7.2, 618.7.3, 618.9.1.3, 704.2, 704.2.1, 706.2, 706.2.1, 706.2.2, 809.3 and table 809.3, 810.4.2, 812.3, 819.1, 821.0 in its entirety, 823.2, Table 910, 1100.1, 1313.0 in its entirety, 1407.1, 1702.6, 1702.18, 1711.2, 1714.1, 1805.3.2, 1808.2, 1906.0 in its entirety, ~~2001.0 in its entirety, 2002.0 in its entirety, 2003.0 in its entirety, 2004.1~~, Article ARTICLE 20 IN ITS ENTIRETY, ARTICLE 22 in its entirety, Article 24 in its entirety; and in the BOCA Basic/National Mechanical Code/1984 repeal Article 1 in its entirety, M-1601.2.1 and M-1601.2.2, Article 17 in its entirety, and Article 20 in its entirety.

SEC. 5. *And be it further ordained*, That the following new sections are hereby added to The Baltimore City Building Code:

120.7, 121.2, 514.0 IN ITS ENTIRETY, 617.10, 618.9.1.3, 623.0 in its entirety, 704.2.1, 706.2, 706.2.1, 819.1, 819.1.2, 821.0 in its entirety, 823.2, 1711.2, 1711.2.12, 1714.1, ~~2201.5~~, 1808.2, 1808.3, 2206.1.

SEC. 6. *And be it further ordained*, That the following sections of the 1982 Official Supplement to the Building Code of Baltimore City, as amended, are hereby repealed:

~~200.1, 200.3, Table 214, 300.1, 301.1 and map showing "Fire Limits of~~ 126.0 IN ITS ENTIRETY, 200.1, 200.3, ~~Baltimore City~~, 423.5, 431.8, 431.9, 431.9.1, 432.2.3, 609.2, 710.2, 1202.13, 1508.0 IN ITS ENTIRETY, 1800.5, M1003.13, M1003.16.

SEC. 7. *And be it further ordained*, That the following sections of the 1982 Official Supplement to the Building Code of Baltimore City, as amended, are hereby repealed and replaced: 100.1, 107.1, 121.9, 125.3.6, 201.0 in its entirety, TABLE 214, 300.1, 609.3 and Table 609, 610.4.1, 612.3, 621.0 in its entirety, Table 710, 800.1.

SEC. 8. *And be it further ordained*, That the following sections of the 1982 Official Supplement to the Building Code of Baltimore City, as amended, are hereby repealed and reordained with amendments:

100.2, 100.3, 104.1, 104.2, ~~107.1~~, 107.7, 107.8, 108.1, 111.4.1, 111.4.7, 115.4, 115.5, 115.6, 117.4.1, 121.2, 121.3, 121.4, 121.6, 121.7, 122.2, 123.1, 123.2, 123.3, 124.5, 124.7, 125.3.4, 125.3.5, 125.3.7, 125.4 IN ITS ENTIRETY, 125.6.2, 125.6.3, 125.7.1, 309.1, 310.2, 310.9, 316.2, 319.1, 319.2, 319.5A, 319.7.1, 319.7.4, 319.9.1, 506.2, 1202.16, 1406.1, ~~1504.1, 1508.1~~, 1501.2, 1502.2, 1504.1, 1507.1, 1508.1, 1509.1, 1510.1 (~~Section 210 (5)(c) only~~), 1700.1, 1701.1, 1701.2, 1702.1, 1705.1.

[100.1 Title: The BOCA Basic Building Code, 7th Edition, 1978 with Appendices A through N, and BOCA Basic Mechanical Code, 3rd Edition, 1978, with Appendices A through E, and the BOCA Basic Energy Conservation Code, 2nd Edition, 1978, with certain amendments, deletions and additions thereto, shall be known as the Building Code of Baltimore City and all references throughout these Codes to "this code" shall be deemed to refer to the Building Code of Baltimore City.]

100.1 Title: *The BOCA Basic/National Building Code, 9th Edition, 1984, BOCA Basic/National Mechanical Code, 5th Edition, 1984, and the CABO Model Energy Code, 1983 Edition, with certain amendments, deletions and additions thereto, shall be known as the Building Code of Baltimore City and all references throughout these Codes to "this code" shall be deemed to refer to Article 32 of the Baltimore City Code—the Building Code of Baltimore City, ARTICLE 32 OF THE BALTIMORE CITY CODE.*

100.2 Scope: This code shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings, structures, premises and lands, and certain mechanical systems related thereto, and shall apply to existing or proposed buildings and structures in the City of Baltimore; except as such matters are otherwise provided for in other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of this code. References to ["buildings"] "*buildings*" and/or [structures"] "*structures*" shall be deemed to include ["premises"] "*premises*" and/or [lands"] "*lands*" unless the context [dictates] *indicates otherwise.*

100.3 Application of references: Unless otherwise specifically provided in this code, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of this code. Any and all references *in violation or condemnation notices or in the Baltimore City Code [(1976 Edition, as amended)] (1983 Replacement Volume, as amended) to any former version of Article 32 (the [former] Building Code of Baltimore City) or the provisions thereof shall be deemed to refer to the comparable or applicable provisions of this code.*

[104.1] *104.2* Maintenance: Every building, *structure or premises* and all parts thereof [used or occupied for any occupancy] shall be kept in good repair and in safe and sanitary condition. [while in use or at any other time when the lack of maintenance affects adjoining property;] *Buildings shall be structurally sound and kept in accordance with exterior maintenance and sanitation standards at all times;* the roof and walls of all such buildings shall be kept so as not to leak; and all means of draining water therefrom shall be maintained so as not to cause dampness in the walls, ceilings or basements. All mechanical and electrical equipment, safety devices or safeguards which are required by this code shall be maintained in good working order.

[104.2] *104.3* Minimum maintenance standards FOR GOOD REPAIR:

1. Responsibilities of owners and agents.

a. [Standards for good repair:] All exterior portions of a building which are painted in normal practice [and all portions] or which require painting to preserve, protect or renovate the surface shall be painted. All such portions shall be cleaned and freed of flaking, loose or defective surfacing materials prior to painting.

[Exterior]

[(1)] b. Roofing shall be provided to prevent the entrance of moisture and shall be maintained by renewal, repair, waterproofing or other suitable means.

[(2)] c. Gutters and downspouts[, where necessary,] shall be provided to properly collect, conduct and discharge the water from the roof.

[(3)] d. Every foundation, wall, floor, ceiling, window, door and hatchway shall be maintained so as to be structurally sound and vermin proof; and, in addition, every wall, window, door and hatchway shall be maintained so as to be weather-proof and waterproof.

[(4)] e. Every stairway, including inside stairs and rails, porches and appurtenances thereto shall be kept in sound condition and good repair.

[(5)] f. Exterior property areas of all premises, *including abutting sidewalks, gutters and alleys*, shall be kept free from [any object, material or condition, including] *high grass and weeds, LITTER, AS DEFINED BY ARTICLE 11-HEALTH, OF THE BALTIMORE CITY CODE, trash and debris*, abandoned, [or immobile] *unlicensed or derelict* motor vehicles, and *any object, material or condition which [may create] is a health, accident or fire hazard or [which is] a public nuisance. Grass and weeds shall be kept below 1-foot 8 INCHES. All objects and materials shall be stored under permit, in a neat and orderly fashion, and elevated 1 foot off the ground to prevent rat harborage.*

[(6)] g. All sheds, barns, garages, fences and other [appurtenant] structures [on premises] shall be maintained in good repair, free from health, accident or fire hazards, or they shall be removed from the premises.

[Interior]

[(1)] h. Every [supplied] facility, piece of equipment or utility which is required

under this code shall be so constructed or installed as to function safely and effectively and shall be maintained in good working condition.

[(2)] i. Ceilings, walls and floors shall be maintained free of holes, large cracks or loose and deteriorated material so that parts which become defective do not constitute a hazard to the occupants nor a harborage for insects or vermin. Loose or defective sections shall be removed and replaced so that the joint between the repaired and the sound material is made flush and smooth. Split, splintered or badly worn material shall be replaced.

[b.] j. Toilet facilities: Every building, or portion thereof, used for [commercial or other] non-residential purposes shall contain a sufficient number of toilet facilities to comply with the occupancy requirements of this code. Separate facilities shall be provided for each sex and they shall be located in rooms which afford privacy. Each toilet room shall contain at least one water closet and lavatory basin. The floor of such room[s] shall be made impervious to water to prevent structural deterioration and [any development of unsanitary] *insanitary* conditions.

[c.] k. Fireproofing: All required fireproofing such as the separation between non-residential and dwelling occupancies [and an enclosure of furnace rooms where applicable,] shall be provided and maintained in [a] good [state of] repair. All fire doors shall be maintained in an openable condition and shall be equipped with approved self closing devices *and all required hardware, including hinges, knobs and latching mechanisms.*

[d.] l. Rat proofing: All buildings shall be rat proofed and maintained in a rat proof condition by the owner or [his] agent. Such rat proofing shall include, but is not limited to the following:

Prevention of entrance by blocking off or stopping up all passages by which rats may secure entry from the exterior with rat impervious material.

Prevention of interior infestation by rat stoppage, harborage removal, the paving of basements, cellars and any other areas which are in contact with the soil, and such cleanliness as may be necessary to eliminate rat breeding places.

2. Responsibilities of occupants.

a. Sanitary ~~maintainence~~ MAINTENANCE: All parts of premises under the control of the occupant shall be kept clean and free *of high grass and weeds and from any accumulation of litter, dirt, filth, rubbish, garbage or similar matter. An occupant of any single-use premises shall be responsible for the sanitary* ~~maintainence~~ MAINTENANCE *of and removal of litter, as defined by the provisions of Article 19* ARTICLE 11 - HEALTH, of the Baltimore City Code, *from exterior property areas, including abutting sidewalks, gutters and alleys. Otherwise, an occupant who has control over exterior property areas may be held responsible for their sanitary maintenance and litter control jointly and severally with the owner.* The occupant shall be responsible for the elimination of any insects, rats or other pests in [and on] the portion of the premises subject to his control.

b. Garbage rubbish and ashes: The occupant of every nonresidential [structure] building or portion [of a building] thereof shall provide *and use* sufficient

receptacles to contain all garbage, rubbish and ashes between days of collection. Receptacles shall be made of metal OR OTHER HEAVY-GAUGE MATERIAL APPROVED BY THE BUILDING OFFICIAL, watertight and provided with handles and tight covers. All such receptacles shall be maintained at all times in good order and repair.

3. Quality of materials and workmanship. Material used in making any repairs shall be of a quality suitable for the purpose and of a kind normally used by a good mechanic to accomplish a repair. Such repair shall be accomplished in a workmanlike manner and according to the accepted standards [and practices] of the trade.

~~[107.1] 109.1~~ ~~Building official: As used in this code, the term "building official" shall mean the Commissioner of Housing and Community Development, or [his] the Commissioner's duly authorized representative.~~

[107.1] 109.1 DEPARTMENT OF BUILDING INSPECTION: AS USED HEREIN, THE DEPARTMENT OF BUILDING INSPECTION IS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OF BALTIMORE CITY. THE BUILDING OFFICIAL IS THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT OR A DULY AUTHORIZED REPRESENTATIVE.

[107.7] 109.2 RESTRICTION OF EMPLOYEES: AN OFFICER OR EMPLOYEE [CONNECTED WITH] OF THE [DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, EXCEPT ONE WHOSE ONLY CONNECTION IS THAT OF A MEMBER OF THE BOARD OF ARBITRATION ESTABLISHED UNDER THE PROVISIONS OF SECTION 126.0,] DEPARTMENT SHALL NOT BE ENGAGED IN OR DIRECTLY OR INDIRECTLY CONNECTED WITH THE FURNISHING OF LABOR, MATERIALS, OR APPLIANCES FOR THE CONSTRUCTION, ALTERATION, OR MAINTENANCE OF A BUILDING, OR THE PREPARATION OF PLANS OR [OF] SPECIFICATIONS THEREFOR, UNLESS [HE] SUCH OFFICER OR EMPLOYEE IS THE OWNER OF THE BUILDING; NOR SHALL SUCH OFFICER OR EMPLOYEE ENGAGE IN ANY WORK WHICH CONFLICTS WITH [HIS] OFFICIAL DUTIES OR WITH THE INTERESTS OF THE DEPARTMENT.

[107.8] ~~109.3~~ 109.3 Relief from personal responsibility: The building official, [officer] agent or employee charged with *the administration and enforcement* of this code, while acting for the jurisdiction, shall not thereby [render himself] be rendered liable personally, and [he] is hereby relieved from all personal liability [or] for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of [his] official duties. Any suit instituted against the building official or any [officer] agent or employee because of an act performed in the lawful discharge of [his] duties and under the provisions of this code shall be defended by the Office of the City Solicitor. The building official or any [of his subordinates] agent or employee, [shall not be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of this code; and any officer of the Department of Housing and Community Development,] acting in good faith and without malice, shall be free from liability for acts performed under any of [its] *the provisions of this code* or by reason[s] of

any act or omission in the performance of [his] official duties in connection therewith, and shall not be liable for costs in any action, suit or proceeding instituted pursuant to the provisions of this code.

[108.1] **110.1** General: The building official shall administer, interpret and enforce all the provisions of this code and the provisions of all other ordinances, laws or regulations relating to the matters provided for in this code, and shall act on any question relative to the ~~mode or~~ manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment, and the location, use, occupancy, and maintenance of all buildings and structures, except as may otherwise be specifically provided for by [statutory requirements or as provided in the following Sections 108.2 through 108.8] ~~statute of OR in Sections 110.2 through 110.8.~~

~~[He] The building official shall have the general power to correct unsafe conditions. Whenever any land, building, structure or other object, or any part thereof, is dangerous or unsafe or a menace to the public health or safety, the building official is hereby authorized and empowered to take such action as may be necessary to eliminate such [dangers] dangerous or unsafe condition or conditions.~~

Whenever any land, building, structure or other object, or any part thereof, including any and all equipment contained therein, becomes, or is about to become, dangerous, unsafe or a menace to public health and safety, the building official is hereby authorized and empowered to condemn it, AND/OR TO TAKE SUCH ACTION AS MAY BE NECESSARY TO RECTIFY OR ELIMINATE SUCH DANGEROUS OR UNSAFE CONDITION.

The building official may institute or cause to be instituted at any time ANY and all legal, equitable or criminal actions which may be necessary and proper to enforce the provisions of this code or the provisions of other ordinances, laws or regulations relating to the matters provided for in this code. Nothing contained in this code shall prevent the building official from instituting or causing to be instituted ~~for~~ OR fully prosecuting any and all legal or equitable actions which may be necessary or proper to compel compliance with this code or other ordinances, laws or regulations relating to the matters provided for in this code, even though criminal proceedings may be pending or may have been completed.

~~[Whenever any land, building, structure or other object, or any part thereof, including any and all equipment contained therein, becomes, or is about to become, dangerous, unsafe or a menace to public health and safety, the building official is hereby authorized and empowered to condemn any such land, building, structure, or other object, or any part thereof, including any and all equipment contained therein.]~~

[117.4.1] 114.4.1 Permit fees for construction work:

1. New buildings and additions: \$2.00 for each 1,000 cubic feet or fraction of gross volume, including all basements and cellars[, as defined in Section 118.0]. A minimum of \$50.00 for new buildings, except private residences, which shall be \$30.00 minimum. A minimum of \$30.00 for additions, except for private residences, which shall be \$20.00 minimum.

2. Accessory structures in connection with a principal occupancy: \$20.00 for each structure over 100 square feet; \$10.00 for each structure of 100 square feet or less.

3. Alterations and repairs: \$5.00 per \$1,000 or fraction thereof estimated cost; \$10.00 minimum on private residences; \$30.00 minimum on all other buildings or structures.

4. Chimneys, stacks, towers:

0- 50 feet	\$20.00
51-100 feet	\$30.00
Over 100 feet	\$50.00

5. Retaining walls: \$3.00 for each 100 square feet or fraction of area above footing. Minimum of \$10.00.

6. Fences: \$3.00 per 100 linear feet or fraction.

7. Grading (excavating or filling):

0- 5,000 cubic yards	\$20.00
~~5,000~~ 5,001-50,000 cubic yards	\$30.00
Over 50,000 cubic yards	\$50.00

8. Paving or surfacing:

0- 1,000 square feet	\$10.00
1,001-10,000 square feet	\$20.00
10,001-50,000 square feet	\$40.00
Over 50,000 square feet	\$60.00

9. Erection, placing, hanging or reconstruction of signs:

0- 10 square feet	\$10.00
11- 50 square feet	\$20.00
51-200 square feet	\$40.00
201-500 square feet	\$100.00
Over 500 square feet	\$150.00

The above rates are based on the gross square feet area of the sign face or faces. No fee shall be charged for signs less than 100 square feet which are to be used exclusively for advertising the property on which they are posted[,] as for sale or for rent.

The fee for repairing, painting and rehangng [the] any sign in the same place shall be \$10.00 for each sign.

10. Razing: \$2.00 per linear foot or fraction of width or length of building, whichever is less, with a minimum fee of \$30.00, except that accessory buildings shall be \$10.00 each.

11. Temporary structures: Each temporary structure per each 5,000 cubic feet of volume or fraction: \$10.00 per year on an annual basis; minimum \$20.00; maximum \$500.00.

12. Moving buildings: \$25.00 each.

13. Swimming pools: \$20.00 each for private residences only; \$50.00 each for all others.

14. Changes in occupancy (no alterations): \$10.00 each building or portion of a building. Changes in occupancy (with alterations): \$10.00 for change in occupancy plus appropriate fee for work as specified herein.

15. Sediment and erosion control: \$10.00 for each permit, plus the following (\$) amounts per number of square feet disturbed:

Disturbed area [(square feet)]	
[up to and including] 0-5,000 square feet	~~\$-.002~~ \$.003
5,001 [to and including]-15,000 square feet	~~\$-.003~~ \$.004
[15,001 and over] Over 15,000 square feet	~~\$-.004~~ \$.005

[115.5] 105.4 Razing Contractors—Licenses:

[(a)] 1. No person[, firm, corporation, partnership or other legal entity] (hereinafter called "Contractor") shall engage in the razing or demolition of any building or other structure, as contemplated by Section [115.0] 105.0, without first obtaining a license from the [Commissioner of Housing and Community Development (herein referred to as "Commissioner")) *building official*.

[(b)] 2. Every Contractor applying for a new license or any renewal thereof, under the provisions of this [sub]section, shall:

[(1)] a. Register with the [(Commissioner the)] *building official the name and address of the Contractor's business [and the name under which such business is carried on], and shall give immediate notice to the [Commissioner] building official of any change in either; AND*

[(2)] b. Furnish satisfactory evidence to the [Commissioner] *building official* that the Contractor has obtained a bond as provided in Section [115.5] 105.5.

[(c)] 3. Said license shall be renewed annually, on or before the 1st day of January, and shall terminate on the 31st day of December. The annual fee for such license shall be [fifty dollars (\$50.00)] \$50.

[(d)] 4. No licensee shall allow his or its name to be used by another person[, firm or corporation] for the purpose of obtaining permits or for doing any demolition or razing work under his or its license.

[(e)] 5. Every application for a permit to raze or demolish any building or structure shall contain[, in addition to] the name of the Contractor who will perform such razing or demolition operations[, and the number of such Contractor's license, and shall be accompanied by a certificate of insurance[, stating that the Contractor is insured by a public liability insurance policy covering the operations to be carried on at the particular location for which the permit is sought, and such public liability insurance policy shall provide coverage in an amount not less than [one hundred thousand dollars (\$100,000.00)] \$100,000 for damages, including damages for care and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by any one person in any one accident, and subject to that limit for each person, in an amount not less than [three hundred thousand dollars (\$300,000.00)] \$300,000 for damages, including damages for care and loss of services, because of bodily injury, including death at any time resulting therefrom, sustained by more than one person in any one accident, and an amount not less than [twenty-five thousand dollars (\$25,000.00)] \$25,000 because of injury to or destruction of property of others in any one accident; said policy shall contain no "collapse hazard" exclusion and shall further provide that said policy will either not be cancelable during the duration of the operations to be performed, or, in lieu thereof, shall provide that the [Commissioner] *building official* shall be notified at least [fifteen] 15 days in advance of

the insurer's intent to cancel such policy[; the]. *The Contractor* may, in lieu of filing a certificate of insurance with each application for a permit, furnish a certificate of continuing insurance to the [Commissioner] *building official*, so long as such certificate provides the coverage[,] as hereinbefore required[,] for all work to be performed by the Contractor, including a provision that the [Commissioner] *building official* shall be notified at least [fifteen] 15 days prior to cancellation of said policy.

[(f)] 6. The [Commissioner] *building official* shall immediately suspend the license of any Contractor:

[(1)] a. Upon receipt of notice of intent to cancel the public liability insurance as hereinbefore required; or

[(2)] b. Upon receipt of notice of intent to cancel the bond as hereinafter required; or

[(3)] c. When the Contractor has failed to comply with the provisions of this Code [as the same may] related to razing or demolition operations; or

[(4)] d. When the [Commissioner] *building official* has been formally notified by the Director of Construction and Buildings Inspection of the ~~Department of Housing and Community Development~~ DEPARTMENT that the Contractor has created or caused to be created a condition [or conditions] which [are] is imminently hazardous [and constitute] *or constitutes* a danger to the public health, safety and welfare.

Such suspension shall continue in force until the Contractor gives evidence satisfactory to the [Commissioner] *building official* that the condition [complained of, or] for which the license was suspended[,] has been [adequately] corrected. In addition to the [said] suspension of license, the [Commissioner] *building official* shall forthwith suspend all outstanding razing permits, and shall refuse to issue any further razing permits for which application is pending, wherein the Contractor is designated, until the Contractor corrects the conditions as hereinbefore provided.

[(g)] Any Contractor violating any provisions of this subtitle is guilty of a misdemeanor and upon conviction thereof is subject to a fine not exceeding \$25.00 per day. Each day that a violation continues is deemed to be a separate offense.]

[(h)] 7. The provisions of this paragraph may be waived, at the discretion of the [Commissioner] *building official*, when the structure to be demolished is a ["miscellaneous"] *miscellaneous* structure, as [defined] *described* in Section [211.1] §11.1 [of this Article 32], and ~~such [miscellaneous] structure is located sufficiently~~ IS LOCATED remote from an adjoining property line, public street or alley.

[115.6] 105.5 Razing Contractors – Bond:

[(a)] 1. Before any Contractor shall receive a license, as hereinabove provided, he shall be required to give bond to the ~~Mayor and City Council of Baltimore~~ CITY in [any] an amount discretionary with the [Commissioner] *building official*, but in no event [to be] less than [ten thousand dollars (\$10,000.00)] \$10,000 and conditioned upon the fact that he shall comply[, in all respects, with each and] with every provision of this code, of the rules and regulations of the [Commis-

sioner] *building official* in regard to all razing or demolition operations, all laws and ordinances of the City of Baltimore and the State of Maryland, and that he shall indemnify and save harmless the ~~Mayor and City Council of Baltimore~~ CITY against and from all costs, expenses, damages, injury and/or loss to which the [said] ~~Mayor and City Council of Baltimore~~ CITY may be subject, by reason of any wrongdoing, misconduct, want of care or skill, negligence or default on the part of the said Contractor, his agents or employees, in ~~or about~~ the [execution or] performance of such operations, and shall further indemnify the Mayor and City Council against any and all expenses which the [said] ~~Mayor and City Council~~ CITY may incur or expend or be caused to incur or expend in the correction of any of the Contractor's work, which work, if not corrected, may be [prejudicial] *harmful* to the safety, health and welfare of the general public, or may adversely affect adjoining or adjacent property.

[(b)] 2. Said bond shall be continuous, and shall provide for an indemnification for the principal in the amount of [ten thousand dollars (\$10,000.00)] *\$10,000*, or an amount otherwise required by the [Commissioner] *building official*, for each and every year said bond shall be in effect. Before any said bond shall be canceled the [Commissioner] *building official* and the licensee shall be notified by the surety at least [thirty (30)] *30* days prior to the effective date of such cancellation. Should the licensee fail to obtain a new bond prior to the effective date of said cancellation, the [Commissioner] *building official* shall forthwith suspend the license of the licensee, as well as any and all permits issued [and outstanding] for work to be performed by the licensee, which suspension shall continue until the licensee shall furnish a new bond in the form and manner acceptable to the [Commissioner] *building official*. Every such bond shall provide that, notwithstanding cancellation thereof, the surety and the licensee shall be and remain liable as hereinafter provided, for a period of ~~one~~ *1* year from the date any work shall have been performed by the licensee.

[(c)] 3. Whenever the surety on the bond shall be deemed by the [Commissioner] *building official* to be unsatisfactory, the Contractor, after [ten (10)] *10* days' written notice by the [Commissioner] *building official* to that effect, shall furnish [and deliver] a new bond to the [Commissioner] *building official*, in the same penalty and on the same conditions with a surety satisfactory to the [Commissioner] *building official*. If the licensee shall fail to furnish such new bond within said [ten (10)] *10* days, the [Commissioner] *building official* shall revoke all permits previously issued to such Contractor on which the work has not been completed for at least [one] *1* year, and shall further suspend the license held by the Contractor until a satisfactory bond has been furnished.

[(d)] 4. Should the Contractor fail to perform any razing or demolition operations in accordance with the provisions of this Code, or [performs] *perform* such operations in an unworkmanlike manner so as to create any condition which may be injurious to the general public or to adjoining or adjacent property, and [fails or refuses] *fail or refuse* to correct any such [conditions] *condition* as may be required by the [Commissioner] *building official* within the time required by the [Commissioner] *building official*, the [Commissioner] *building official*, except in ~~the~~ case of emergency, shall notify the surety of such failure or refusal, and shall give the surety such time as, in the discretion of the [Commissioner] *building official*, may be necessary to rectify such [conditions] *condition*. In the event of an

emergency, in which the said conditions constitute an immediate danger to the health, safety or welfare of the general public or in the event the surety, after notice, shall fail or refuse to correct any SUCH INJURIOUS condition which may injurious to the general public or to adjoining or adjacent property, the [Commissioner] BUILDING OFFICIAL shall have the authority to correct any such conditions CONDITION, or to perform such further operations as to make the razing or demolition operations comply with the provisions of this Code at the expense of the Contractor. All costs and expenses incurred thereby shall be chargeable TO and collectible from the surety on the bond furnished by the Contractor. Any work performed for the Contractor by the [Commissioner] BUILDING OFFICIAL as aforesaid shall not relieve the Contractor in any way from the responsibility for any work performed by the Contractor, and any remedies or penalties herein mentioned are specifically intended to be, and are, in addition to any other remedies or penalties provided by the laws of Maryland and the ordinances of the City of Baltimore.

[(e)] 5. The liability of the surety or sureties on any bond given pursuant to Section [115.0] 105.0 and the liability of any Contractor for materials furnished or work performed under this Code shall not extend to defects in materials or workmanship discovered more than [twelve (12)] 12 months after completion of the work. The surety or sureties and the Contractor are responsible to the Mayor and City Council of Baltimore CITY to correct all such defects discovered before the expiration of [twelve (12)] the 12 months' period and about which they were promptly notified in writing. In addition to the liabilities of the surety or sureties and the Contractor, the owner of the property shall at all times be responsible to the Mayor and City Council of Baltimore CITY to correct the defects in the razing operations performed [or being performed in or] on his property.

[115.4] 105.6 Rodenticide procedure: Before any building or structure is demolished or removed to another site, the applicant for a permit shall provide a certification by [an individual or firm] a person licensed as a pesticide applicant APPLICATOR by the Maryland State Department of Agriculture that all areas of the building, structure and/or lot are free from rodent infestation. Those buildings, structures or lots which are found to be infested are to be treated by a licensed pesticide applicator prior to demolition, removal or rehabilitation OR REMOVAL. Certification of treatment and abatement of all infestation shall accompany the permit application.

[[114.4] 111.4.1] 115.6.1 Application for search warrant: After such notice shall have been given as above provided, the building official or [his] authorized agent may seek entry into said dwelling unit, and if the occupant or person with apparent right of possession shall fail to arrange for, deny or unduly [dy] delay such entry, then the building official or [his] authorized agent may apply to any Judge of the Supreme Bench or of the CIRCUIT COURT OR District Court of Baltimore City for a search warrant to authorize entry into said dwelling for the purpose of making an inspection to determine whether a violation of the Building Code THIS CODE and/or other related codes [enumerated in Section 111.4] Section 115.6, statutes, ordinances or regulations for the protection of the health and safety of the residents of Baltimore City exists therein.

~~[111.4.7]~~ 115.6.7 Entry of unoccupied property: In the case of any unoccupied land, building, structure or premises, *where notice is required to obtain a warrant*, notice of the building official's intent to inspect shall be mailed or delivered to the owner, agent or person in apparent control, *if any such person can be identified and located*, in accordance with the provisions of Section [125.3] ~~125.5~~ 123.3. If permission to enter is thereafter denied, [or] unduly delayed, *or if no response is received*, the building official or [his] authorized agent may proceed to apply for a search warrant.

[121.2] 117.2 Notice of violation: The building official shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, removal, demolition, maintenance, use or occupancy of a building or structure in violation of the provisions of this code, or in violation of a [detail] *detailed* statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code; and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[121.3] 117.3 Enforcement: If the notice of violation is not complied with promptly, the building official shall institute or cause to be instituted [the] *any* appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the order or [direction] *directive* made pursuant thereto *or to impose penalties to punish and deter non-compliance*. No criminal action shall be instituted by the building official against any person for any alleged violation of this code until the building official has given the alleged offender notice as provided in this code and allowed such person a reasonable time to correct such violation.

A person is under a continuing obligation to abate a violation notice, and if a condition in violation of this code continues unabated following criminal prosecution no new violation notice shall be required before subsequent prosecution. Choice of any one action shall not preclude the building official from pursuing any other action.

[121.4] 117.4 Violation penalties: Any person who [shall violate] *violates* a provision of this code or [shall fail] *fails* to comply with any [of the] **requirements** REQUIREMENT thereof or who [shall erect, construct, alter, repair or maintain] *erects, constructs, alters, repairs or maintains* a building, structure or premises in violation of an approved plan or directive of the building official, or of a permit or certificate issued under [the provisions of] this code, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than [three hundred dollars (\$300.00)] *\$500* for each violation. Every day that a violation continues shall be deemed a separate offense, *and proof that a violation exists on any date following the issuance of a notice of violation shall constitute prima facie evidence that the violation has continued unabated throughout the intervening period of time.* IN ANY CASE WHERE A DEFENDANT'S FAILURE TO CORRECT A VIOLATION RESULTS IN MORE THAN ONE REINSPECTION SUBSEQUENT TO ISSUANCE OF A VIOLATION NOTICE, THE COURT MAY ASSESS AS A PENALTY EITHER IN AN EQUITY CASE, OR A CRIMINAL CASE BY REQUIRING SUCH COSTS

AS A CONDITION OF PROBATION OR PROBATION BEFORE JUDGMENT OR INCLUDED IN THE FINE FOLLOWING CONVICTION. IN A CRIMINAL CASE, FINES AND COSTS SHALL NOT EXCEED \$500 PER CHARGE.

[121.6] 117.6 Responsibility of [owner] *owners and operators*: [The] *Any owner or operator* of any property covered by this code shall be responsible for [the] compliance with all [of the] provisions of this code in all matters or things pertaining directly or indirectly to such property. Such *owner or operator* shall be held liable for all violations of this code in connection with any land, building[s], structure or matter or thing owned or controlled by him. *No owner or operator shall be responsible for compliance with provisions of this code designated as the responsibility of the occupant, unless that owner or operator is also an occupant.* In the event of a sale, mortgage, assignment, other transfer with or without consideration or ground rent lease {refers to a lease creating an annual ground rent which is redeemable under the redemption laws of the State of Maryland} of any land and/or building SUBJECT TO A VIOLATIONS NOTICE OR CONDEMNATION NOTICE, it shall also be the responsibility of the owner ~~upon whom a violation notice or condemnation notice has been served to:~~ (a) : (A) TO furnish the vendee, mortgagee, assignee, transferee or lessee prior to the transfer, a copy of any such notice of condemnation or [of] violation; and (b) upon the consummation of the sale, mortgage, assignment, other transfer with or without consideration or lease, to file an affidavit with the building official stating the nature of the transaction and the name and address of the person [or corporation] to whom the property has been conveyed, assigned, mortgaged, transferred or leased and attesting to the fact that [he has complied with] (a) *has been complied with.*

~~[121.7]~~ 121.7] 117.7 Responsibility of others: Any person who violates any [of the provisions] *provision* of this code shall be held liable for [all] such [violations] *violation* and shall be subject upon conviction to all penalties prescribed herein for such [violations] *violation* in addition to the owner or [owners] *operator* of any property which may be involved.

[121.9 Responsibility of corporate officers and directors: Whenever a corporation shall violation any of the provisions of this code, such violation shall be deemed to be also that of the individual directors, officers or agents of such corporation who shall have authorized, ordered or done any of the acts constituting in whole or in part such violation or who shall knowingly have acquiesced in any failure to act constituting in whole or in part such violation, and such violation shall be deemed a misdemeanor, and upon conviction, therefor, any such director, officer or agent shall be punishable to the same extent as is provided in Section 121.4 of this code.]

117.9 Responsibility of officers, directors, PARTNERS, and agents of corporations, joint stock companies, PARTNERSHIPS, and associations: Whenever a corporation, joint stock company, PARTNERSHIP, or association violates any provision of this code, such violation shall be deemed to be also that of any individual ~~director, officer~~ OFFICER, DIRECTOR, PARTNER, or agent of such corporation, joint stock company PARTNERSHIP, or association who has authorized or done any of the acts constituting in whole or in part such violation

or who has failed to act or acquiesced in any failure to act constituting in whole or in part such violation, and such violation shall be deemed a misdemeanor, and upon conviction therefor, any such ~~director, officer~~ OFFICER, DIRECTOR, PARTNER, or agent shall be punishable as provided in Section 117.4.

[122.2] 118.2 Unlawful continuance: Any person who [shall continue] *continues* any work in or about [the] ~~a building or structure~~ STRUCTURE, OR PREMISES after having been served with a stop-work order, except such work as [he] *that person* is directed to perform to remove a violation or unsafe condition[s], shall be liable for a fine of not less than [one hundred dollars (100.00)] \$100 or NOR more than [three hundred dollars (\$300.00)] \$500.

[123.1] 120.1 Unsafe, dilapidated and vacant buildings: Any building or portion thereof found to be unsafe or unfit for human habitation or [for] commercial or other authorized use shall be razed or rehabilitated.

1. A building may be unsafe or unfit for human habitation or [for] commercial or other authorized use by reason of (a) *conditions constituting a fire hazard or* conditions of damage, decay, dilapidation, obsolescence, abandonment, vacancy *as defined in Section ~~120.2~~ 120.2.2,* [fire hazard,] insanitation or vermin or rodent infestation which constitute a [serious] hazard to the health or safety of [the] occupants or the public, (b) lack of sanitation, illumination, ventilation, heating, plumbing, exitways, *fire protection, utilities* or other facilities adequate to protect the health or safety of [the] occupants or the public, or (c) conditions which are so unsafe, insanitary, overcrowded, improper in use or occupancy or otherwise dangerous to life, health or safety as to create a [serious] hazard to [the] occupants or the public.

2. Whenever the building official or the [Commissioner] of Health finds any occupied building or portion thereof to be *unsafe or* unfit for human habitation or [for] commercial or other authorized use, [he may cause to be posted] an order *may be posted* requiring such building or portion thereof to be vacated and [may take] necessary steps *may be taken* to remove occupants who fail or refuse to vacate.

3. Any [vacant] *unoccupied* building or portion thereof *unsafe or* unfit for human habitation or [for] commercial or other authorized use shall not again be used [for human habitation or otherwise] until (a) it is rehabilitated so as to comply with all applicable codes and ordinances and (b) either the building official or the Commissioner of Health has given written approval of reoccupancy. *Pending the required rehabilitation, the building shall be kept secure against casual entry and the premises shall be kept free of LITTER, high grass and weeds.*

[123.2] 120.2 Requirements for unoccupied [and vacant] buildings: Any unoccupied building or portion thereof shall be properly safeguarded as follows:

1. Temporarily unoccupied buildings. [Every] *Any unoccupied* building or portion thereof which has been left unoccupied without removing any appliance or portable equipment or furniture and from which ~~no~~ utility service has NOT been

disconnected shall be safeguarded by closing and securely locking all windows, doors, and other openings.

2. Vacant buildings. Any unoccupied building or portion thereof from which all or most of the appliances and portable equipment and furniture *or utilities* have been removed, or which is open to casual entry, or from which the usual precautions against trespassers *or weather entry* have been destroyed or removed shall be *deemed a vacant building, a fire hazard and unsafe. It shall be safeguarded by closing and securely locking all windows and doors. In addition, pending the required razing or rehabilitation, all windows, doors and other openings [which are] within [twenty (20)] 20 feet of the ground or [which may be] readily accessible shall be further protected by boarding up with [such] substantial material [as may be] approved by the building official. Before any vacant building is closed and secured, all litter, trash, rubbish, and other debris shall be removed from the premises. While the building remains unrehabilitated it shall be kept boarded and the premises kept free of LITTER, trash, debris, high grass and weeds at all time. Such boarding and cleaning shall not relieve any owner of responsibility for TO repair and to maintain the property in conformity with provisions of this code.*

3. No building shall remain vacant, [whether or not] *unsafe, unfit for authorized use, and/or boarded up, for a period longer than [ninety (90)] 90 days. Within said [ninety (90)] 90 day period, the owner or agent or other person responsible shall either rehabilitate the building, so that it complies with all applicable code CODES and ordinances and is therefore fit for human habitation or [for] commercial or other authorized [uses, or he shall] use, or demolish and remove [the same] it.*

4. Rodenticide procedure. Before any vacant building or structure is *substantially* rehabilitated, demolished or removed *to another site*, the applicant for a permit shall provide a certification by [an individual or firm,] *a person* licensed as a pesticide applicator by the Maryland State Department of Agriculture[,] that all areas of the building, structure and/or lot are free from rodent infestation. Those buildings, structures or lots ~~which are~~ found to be infested are to be treated by a licensed *pesticide* applicator prior to demolition, removal or rehabilitation. Certification of treatment and abatement of all infestation shall accompany the permit application.

[123.3] 120.3 Remedial action by the building official: When the owner, agent or person in control cannot be found or [shall fail] *fails* to comply with [the appropriate notice to repair or rehabilitate or board up or remove high grass and weeds or trash and debris or demolish and remove a vacant building, or a building unfit for human habitation or for commercial or other authorized use] *a notice to repair, rehabilitate or demolish and remove or to board up an unsafe or vacant building or a building unfit for human habitation or commercial or other authorized use or to remove high grass and weeds or trash and debris from the premises, the building official, after giving [appropriate] notice as required by this code, may proceed to condemn the building, or have a receiver appointed, and/or complete all or any part of the required work through [his] officers, agents, employees or contractors. Liability for expenditures thus incurred shall*

be [the same] as provided in Section [124.5] 121.5 and shall be collected [in the same manner] as ~~proved~~ PROVIDED in Section [124.6] 121.6. Remedial action under this Section shall not preclude other enforcement action authorized by this code.

120.7 Notice issued under prior code: Any violation notice issued under former provisions of the Building Code of Baltimore City, Article 32 of the Baltimore City Code (1976 Edition and 1982 Editions, as amended, or the 1983 Replacement Volume, as amended), which required the rehabilitation, or razing, and/or the boarding and sanitary maintenance of vacant buildings unfit for human habitation or other authorized use shall be construed as having been issued under and as pertaining to provisions of Section 120.0 of this code.

121.2 Temporary safeguards: When, in the opinion of the building official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life or property, the building official may cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been instituted.

[124.5] 121.5 Liability for expenditures made by the building official: In any and all cases where the building official ~~in the performance of [his] duties~~ proceeds in accordance with [the provisions of] this code to enforce any provision [or provisions] of this code [providing for or] relating to the elimination of any safety, health or fire hazard [or hazards], or the removal of any abandoned or illegally constructed building, structure or other object, and in connection therewith furnishes, or causes to be furnished, any labor, [or] supervision, [or] equipment, or materials [or does or causes to be done any work], or performs or causes to be performed any work or operation in or on any land, building, structure, or other object to eliminate any such ~~safety, health or fire hazard~~ [or hazards], or to remove any abandoned or illegally constructed building, structure or other object, and the furnishing of or causing to be furnished such labor, [or such] supervision, [or such] equipment or [such] materials, or [the doing of or causing to be done any such work or] the performance of or causing to be performed any such work or operation [involving] involves the expenditure [or expenditures] of money ~~for such materials, supervision, equipment, labor, work or operation~~, the entire amount [or amounts] of any and all costs [or expenses] incidental thereto, shall be [and become] a personal debt, due and owing by each and every person to the extent he is made liable under this code to the ~~Mayor and City Council of Baltimore, and, in CITY~~. IN addition thereto, the entire amount [or amounts] of such expenditure [or expenditures], together with the amount [or amounts] of any and all costs [or expenses] incidental thereto, shall be [and become] a lien in favor of the ~~Mayor and City Council of Baltimore~~ CITY upon the interests of the owners of such land or improvements[,] or both, and upon such land or improvements or both, in respect to which such expenditure[, expenditures,] or costs [or expenses] were made.

Any and all such debts shall be collectible from any assets of each and every person made liable under this code including a former owner and shall be immediately due and owing to the ~~Mayor and City Council of Baltimore~~ CITY upon

the completion of any such work or expenditure[, and any]. *Any* and all such liens shall be in full force and effect immediately after the building official has notified the Bureau of Liens of the ~~Mayor and City Council of Baltimore CITY~~ that *notice has been given or that* a building or other structure has been posted in accordance with the provisions of this code in connection with the elimination of any safety, health or fire hazard or the removal of any abandoned or illegally constructed building or other structure.

[124.7] **121.7** Priority of liens and encumbrances: [(a)] The amounts of any and all debts or liens, mentioned in [Section 125.0, and] *Sections 121.0 and 123.0, including* those resulting from the appointment of a receiver as therein set forth, shall have priority over all other liens and encumbrances except taxes or other assessments[: (b)]; provided, however, that no such lien shall have such priority over any ground rent, mortgage, or other encumbrance recorded prior to [the] said lien unless the owner or holder of the [said] ground rent, mortgage, or other encumbrance had[, prior to the petition for receivership,] received *appropriate* notice as provided in Section [125.0] *123.0* and been given an opportunity to appear in any hearing thereon[, (c) failure]. *Failure* to serve a copy of the notice required in the manner specified by [Sections 123.3 and 125.6.1 or failure to serve any ground rent owner, mortgagee or lienor with a copy of the order to show cause pursuant to Section 125.6.2] *this code* shall not affect the validity of [the proceeding] *any proceeding instituted pursuant to the provisions of this code* or the appointment of a receiver, but the rights of the ~~Mayor and City Council of Baltimore CITY~~ or of the receiver shall not in such event be superior ~~in any way~~ to the rights of any owner, ground rent owner, mortgagee, or lienor of record who shall not have been served with or given [notice of the show cause order pursuant to the proceeding provided for in Section 125.6.2 code, for the purposes of this section, however, service] *such notice. Service* upon one owner, ground rent owner, mortgagee, or lienor shall be deemed to be adequate ~~serve~~ **SERVICE** upon all persons *similarly situated* when the title or lien upon such property ~~shall be~~ **IS** in more than one name.

[125.3.4] **123.3.4** When notices are required to be served: Formal notices shall be issued and served in all cases where legal action *by the building official* may be necessary [by the building official] to enforce the provisions of this code *except in cases where this code is enforced by citation*. Formal notices shall be sent as follows:

Condemnation notices shall be sent to the owner of any land, building, structure, or other object which endangers the life or health of [the] occupants thereof or the general public. In order that [the] occupants of such premises and the general public be cognizant of such dangerous conditions, the building official shall cause a notice required by Section [125.5] *123.5* to be posted conspicuously upon such land, building, structure, or other object.

Violation notices shall be sent to any person who violates [or has violated] any [of the provisions] *provision* of this code [relating to the safety of life or health of any person and for which], *where* a condemnation notice is not required *and where a citation is not issued*.

Miscellaneous and informal notices shall be sent to any person to correct any

condition or to perform, omit or modify any act contrary to the provisions of this code, and for which a condemnation or violation notice is not required.

[125.3.5] *123.3.5* Serving of notices: Any and all notices or orders issued by the building official pursuant to [or in connection with] the provisions of this code[,] shall be served on the person or persons such notice is intended for or any duly authorized agent or representative of such person or persons[, and in case of owners, such notices shall be served on such owner or any one of several owners of the property which is the subject of any such notice or order, or on any duly authorized agent of any such owner or owners]. *Where there is more than 1 person violating this code or responsible for compliance with this code, as in a case where a property is owned by more than 1 person, notice may be served on any one of such persons or on any duly authorized agent or representative of any one of such persons.* [All condemnation] Condemnation notices shall be served by members of the Police Department of Baltimore City, or by [registered mail] *certified mail, return receipt requested*, or by an official or employee of the ~~Mayor and City Council of Baltimore~~ CITY or the State of Maryland.

[All violation notices shall be served by certified or registered mail, hand delivery to the home or business address of the owner, agent or person responsible, or as provided elsewhere in this code.]

Violation notices shall be deemed to be properly served when served personally upon the owner, agent, person in control of the premises or other person responsible for property in violation of this code, or when either sent by certified mail, return receipt requested, or hand delivered to such person's home or business address.

[All miscellaneous] ~~Miscellaneous~~ MISCELLANEOUS notices shall be served by any means [which may be] deemed proper by the building official.

Nothing contained in this code shall be [taken or] construed to excuse or relieve any person[, firm or corporation] from duly complying with any and all [of the] provisions of this code for any and all times, regardless of whether or not any notice or order has been issued by the building official in any particular case.

[125.3.6] When notices cannot be served: If notice served pursuant to Section 125.3.5 is returned unclaimed or refused, or in the event that the owner, agent or person in control of any land, building, structure or other object in or upon which there exists a condition which is unsafe or dangerous to the public health or safety, or in or upon which the terms and provisions of the code are being violated, does not reside in the City of Baltimore, State of Maryland or the whereabouts of any such owner, regardless of whether or not such owner is actually residing in the City of Baltimore, cannot be ascertained by the building official by examining the tax records of the City of Baltimore and the latest Baltimore telephone directory and the latest Baltimore City directory, and making inquiry of the occupants of any such land, building, structure or other object, then notices or orders issued by the building official pursuant to or in connection with the provisions of this code shall be conspicuously posted by a duly authorized employee of the Department of Housing and Community Development upon any land, building, structure or other object to which such notice or order is related.

After any such notice or order has been posted as aforesaid, the building official shall take no action in connection with any premises so posted until the expiration of a period of thirty (30) days, except that in cases of emergency the building official shall proceed in accordance with the provisions of Section 125.7.

In all cases where any notice or order issued by the building official is posted on any land, building, structure or other object as hereinabove provided, such posting shall be deemed to be adequate and sufficient service of any such notice or order upon the owner, agent or person in control of any such premises.]

123.3.6 When notices cannot be served: When the identity or whereabouts of an owner, agent, person in control of the premises or other person responsible for property in violation of this code is unknown, or when notice sent by mail pursuant to Section 123.3.5 is returned unclaimed or refused, or designated

undeliverable by the Post Office for any other reason, and the tax records of the Bureau of Treasury Management, Collections Division, can provide no more accurate address, then adequate and sufficient notice hereunder may be made by posting the property in violation of this code with a copy of the notice.

[125.3.7] **123.3.7 Failure to comply with notices:**

1. In the event that any person fails to comply with the requirements [of the building official as] set forth in a condemnation notice, the building official shall proceed in accordance with the provisions of Section [125.5] *123.5*.

2. In the event that any person fails to comply with the requirements [of the building official as] set forth in a violation notice *or citation*, the building official is hereby authorized and empowered to repair, rebuild, [reconstruct,] raze or take any [other] action [which may be] necessary to eliminate or make safe [and secure] any dangerous, [unsanitary] *insanitary* or unsafe condition ~~or [conditions] which may be the subject of a violation notice or citation, and the building official may also institute or cause to be instituted any and all appropriate actions or proceedings, including criminal or equitable proceedings, to prevent the commencement or the continuation of, or to eliminate or rectify, the condition [or conditions] which [are] is complained of or which [are] is the subject matter of a violation notice, OR CITATION or to punish or deter noncompliance.~~

3. In the event that any person fails to comply with the requirements [of the building official as] set forth in a miscellaneous notice, the building official shall take such action as ~~he may deem~~ MAY BE necessary and proper, including the institution of any and all legal, equitable, or criminal proceedings to compel [a] compliance with the requirements [of the building official as] set forth in ~~a miscellaneous~~ SUCH notice.

4. Before the building official [shall proceed] *proceeds* under this section or Section [125.5] *123.5* to repair, rebuild, [reconstruct,] raze, or take any other action to eliminate or make safe [and secure] any dangerous, [unsanitary] *insanitary*, or unsafe condition which is the subject of a condemnation notice or violation notice *or citation*, ~~he shall post a notice~~ A NOTICE SHALL BE POSTED on the front of the building stating that the order in the said [condemnation notice or violation] notice has not been complied with within the time and manner prescribed in

said notice or that the violation noted on a citation has not been rectified, and stating further that the building official will proceed to execute the same at the expiration of an additional [thirty (30)] 30 days and charge the expense thereof to the owner, agent, person in control, and/or former owner of the premises, as the case [may be. Such notice shall also be served upon the owner, agent, person in control, and/or former owner (where liability is sought to be imposed upon such former owner) of the property or his agent in the manner provided in this section, before the building official proceeds to incur expense] may be, unless the condition is of a character which requires more immediate action, in which case the time of the notice shall be [such as] reasonable and proper, in the judgment of the building official [is reasonable and proper]. Reasonable notice in cases where the building official acts in accordance with Section [123.3] 120.3 shall be [five (5)] no more than 5 days. Such notice shall also be served upon the owner, agent, person in control, and/or former owner (where liability is sought to be imposed upon such former owner) of the property or his agent in the manner provided in this section, before the building official proceeds to incur expense if the character of the condition allows sufficient time. Where the former owner makes a written request by [registered mail] certified mail, return receipt requested, prior to the date that the City proceeds to incur expense, as aforesaid, the building official may designate the form owner as [his] an agent for the purpose of correcting a [violation] condition which was the subject of a violation notice or condemnation notice or citation served prior to the date of a conveyance, assignment or lease and for which the former owner is made liable under this code[;], provided that the work is done in a manner satisfactory to the building official.

123.7.1 Power of the building official in emergencies: In case of the existence of an emergency where life or property is in immediate danger, and there is not sufficient time to comply with the provisions of Section [125.5] 123.5 or Section 123.3.7, the building official is hereby authorized and empowered to, and shall, [promptly and] immediately take any and all action [that may be] necessary to protect such life or property without complying with [the] said provisions of [Section 125.5] this code.

[125.4] ~~123.5~~ 123.4 PROCEDURE FOR HEARINGS

[125.4.1] ~~123.5.1~~ 123.4.1 General requirements for hearings: Any and all hearings which are ~~to be~~ held by the building official in accordance with the ~~terms and~~ provisions of this code shall be held [in accordance with the provisions of Section 125.4] as follows:

[125.4.2] 1. Hearings open to the public: All hearings shall be open to the public.

[125.4.3] 2. Notification of complainants: Any and all persons who the building official knows ~~is~~ ARE interested in any hearing shall, before ~~the time~~ such hearing is held, be notified BY THE BUILDING OFFICIAL where and when such hearing will be held, as well as the purpose of such hearing, ~~by the building official.~~

[125.4.4] 3. Place for hearings: Hearings shall be held in the office of the building official or at such other place as the building official may designate.

[125.4.5] 4. Time for hearings: Hearings shall be held at such time as may be designated by the building official.

[125.4.6] 5. Presiding officer at hearings: The building official shall be the presiding officer at hearings.

[125.4.7] 6. Rule for conducting hearings: The building official may make any and all rules and regulations which he may deem necessary for the proper conduct of hearings.

[125.4.8] 7. Decision on hearings: After any particular hearing has been completed, the building official shall render [his] a decision in writing within [a period of thirty (30)] 30 days counting from the last day of any such hearing. The building official shall include in [his] said written decision the reasons for [his] such decision.

[125.4.9] 8. Records of hearings: A complete record of all papers filed with the building official in connection with any hearing, together with a copy of the written decision of the building official, shall be kept and filed in the Department of Housing and Community Development, as required by [the provisions of] Section [107.9] 109.9 FILED IN THE DEPARTMENT.

[125.4.10] 129.5.2 Appeals from hearings: Any person, firm or corporation who disagrees with or is aggrieved by any order or decision of the building official may institute in any court of competent jurisdiction such legal proceedings as he may deem necessary concerning any such order or decision, or any person shall have the right to refer any such order or decision to a board of arbitration for review and decision, as provided in Section [126.0] 124.0.

123.4.2 APPEALS FROM HEARINGS: ANY PERSON WHO DISAGREES WITH OR IS AGGRIEVED BY ANY ORDER OR DECISION OF THE BUILDING OFFICIAL ISSUED SUBSEQUENT TO THE HEARING PROCEDURE SPECIFIED HEREIN, MAY INSTITUTE, WITHIN 30 DAYS OF THE ISSUANCE OF SUCH ORDER OR DECISION, IN THE CIRCUIT COURT FOR BALTIMORE CITY APPROPRIATE LEGAL PROCEEDINGS CONCERNING SUCH ORDER OR DECISION. AN APPEAL SHALL NOT STAY CRIMINAL OR EQUITABLE PROCEEDINGS UPON THE DECISION APPEALED FROM, OR PREVENT THE BUILDING OFFICIAL FROM PURSUING ANY OTHER ACTION OR ENFORCEMENT PROCEDURE AUTHORIZED BY LAW.

[125.6.2] 129.6.2 Show cause petition: The building official may after a period of [ten (10)] 10 days after service of the further notice referred to in Section [125.6.1] 129.6.1, paragraph 1., bring a proceeding against the property and the owner thereof in an appropriate court of Baltimore City by verified petition applying for an order directing the owner, agent or person in control of said property and any ground rent owner, mortgagee or lienor of record or any other person having an interest in the property to show cause why the building official or [an employee of the Department of Housing and Community Development] a person designated by the building official should not be appointed receiver of the property, its rents, issues and profits and why said receiver should not rehabilitate the building and make it fit for human habitation or for commercial or other authorized use and obtain a lien in favor of the Mayor and City Council of Baltimore CITY against the property as provided for in Section [124.5] 121.5 of this code to secure repayment of the fees, commissions and costs incurred by the receiver in such rehabilitation. Said petition shall contain (a) proof by affidavit that notices

of the building official have been issued and served on the owner, agent or person in control of said premises and ~~mortgages~~ MORTGAGEES, lienors and owners of ground rent of record in accordance with Sections [125.3 and 125.6.1] ~~123.8 and 123.6.1~~; (b) a description of the building and the statement that the building has been vacated as defined in Section [123.0] ~~120.0~~ for a period longer than [ninety (90)] ~~90~~ days and that this condition continued to exist after the time fixed for the remedying thereof in the notice issued pursuant to Section [125.6.1] ~~123.6.1~~; (c) a brief description of the nature of the work required to rehabilitate the building and make it fit for human habitation, commercial or other authorized use and an estimate as to the cost thereof; and (d) a certified statement by a real estate appraiser that the estimated cost of such rehabilitation will not exceed the present fair market value of said property.

[125.6.3] ~~123.6.3~~ Court procedure: On the return of said order to show cause, if the court shall find that the facts stated in such petition warrant the finding thereof, then the building official or [an individual deputized] *a person designated by him* THE BUILDING OFFICIAL shall be appointed receiver of the property, its rents, issues, and profits. However, prior to the determination of the issue, if the owner, agent or person in control of the property or any mortgagee or lienor or any other person having an interest in the property shall apply to the court to be permitted to rehabilitate the building to make it fit for human habitation or commercial or other authorized use and shall (a) demonstrate the ability to promptly undertake the work required; and (b) post security for the performance thereof within the time, and in the amount and manner, deemed necessary by the court, then the court may in lieu of appointing such receiver issue an order permitting such person to perform the work within the time fixed by the court. If at the time so fixed, the building shall not have been rehabilitated and made fit for human habitation or commercial or other authorized use, then the court shall appoint such receiver. If, after the granting of an order permitting a person to perform the work but before the time fixed by the court for the completion thereof, it shall appear to the building official that the person permitted to do the same is not proceeding with due diligence, then the building official may apply to the court on notice to those persons who have appeared in the proceeding for a hearing to determine whether such receiver shall be appointed immediately. On the failure of any such owner, agent or person in control, mortgagee, lienor or other person having an interest in the property to complete the work in accordance with provisions of said order, the receiver thereafter appointed shall be reimbursed for costs incurred ~~by him~~ in rehabilitating the building and other charges herein provided for out of such security as specified in (b) hereinabove.

[200.1 Scope: The provisions of this Article 2 shall control the classification of all buildings as to use group and type of construction and the definition of all terms relating thereto in the City of Baltimore.]

[200.3 Application of other laws: The provisions of this Article 2 shall not be deemed to nullify any provisions of the zoning law or any other ordinance of the City of Baltimore pertaining to the location, use or type of construction of buildings, except as may be specifically required by the provisions of this code.]

[SECTION 201.0 GENERAL DEFINITIONS

Agent: Any person, firm, or corporation responsible for the management, maintenance, operation, rental, leasing or sale of any property in any particular case, or who makes application for, or seeks a permit or certificate from the appropriate City authority on behalf of the owner of any property in any particular case, or who in any other way represents the owner of any property in any particular case.

Building official: The Commissioner of Housing and Community Development or his duly authorized representative.

Dwellings

Boarding house, tourist house: A building arranged or used for lodging, with or without meals, for compensation, by more than five (5) and not more than twenty (20) individuals.

Dormitory: A space in a building where group sleeping accommodations are provided for persons not members of the same family group, in one (1) room or in a series of closely associated rooms.

Hotel: Any building containing six (6) or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

Lodging house: Any building or portion thereof containing not more than five (5) guest rooms which are used by not more than five (5) guests where rent is paid in money, goods, labor or otherwise. A lodging house shall comply with all the requirements for dwellings.

Multi-family apartment house, *multiple family dwelling*: A building or portion thereof containing more than two (2) dwelling units and not classified as a one or two-family dwelling.

Legal representative of the jurisdiction, legal authority of the jurisdiction, legal counsel of the jurisdiction, legal officer of the jurisdiction: Any of these terms as used herein shall mean the Office of the City Solicitor of Baltimore City, unless otherwise indicated.

Person: Includes a corporation, partnership, joint-venture or any other business entity, as well as an individual.

Premises: A lot or group of lots, including any building or group of buildings, structures or parts thereof situated thereon and considered as a unit devoted to a particular use, including accessory buildings and open spaces required or used in connection with such use.]

SECTION 201.0 GENERAL DEFINITIONS

Agent: Any person responsible for the management, maintenance, operation, rental, leasing, or sale of any property in any particular case, or who makes application for, or seeks a permit or certificate from the appropriate City authority

on behalf of the owner of any property in any particular case, or who in any way represents the owner of any property in any particular case; ANY PERSON WHO REPRESENTS THE BUILDING OFFICIAL; IN GENERAL, ANY PERSON WHO REPRESENTS ANOTHER, AS INDICATED BY THE CONTEXT.

Building official: The Commissioner of Housing and Community Development or a duly authorized representative.

CITY: THE MAYOR AND CITY COUNCIL OF BALTIMORE, THE BODY CORPORATE AND POLITIC AS ESTABLISHED BY THE CHARTER OF BALTIMORE CITY.

DEPARTMENT, DEPARTMENT OF BUILDING INSPECTION: THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OF BALTIMORE CITY.

Dwellings:

Boarding house: A building arranged or used for lodging, with or without meals, occupied ~~or~~ FOR compensation and not as a single family unit.

Dormitory: A space in a building where group sleeping ~~accommodations~~ ACCOMMODATIONS are provided for persons not members of the same family group, in 1 room or in a series of closely associated rooms.

Hotel: Any building containing 6 or more rooms intended or designed to be used, or used, or rented out to be occupied for sleeping purposes by guests.

Multi-family apartment house, multiplefamily dwelling: A building or portion thereof containing more than 2 dwelling units and not classified as a 1 or 2 family dwelling.

High-rise: See Section 618.1.

Legal authority, counsel, officer or representative of the jurisdiction: the Office of the City Solicitor of Baltimore City, unless otherwise indicated.

Occupant: Any person who actually uses or who has the right of possession of a building or premises or part ~~hereof~~ THEREOF.

Operator: Any person who has charge, care or control of a building or premises or part thereof, whether or not an owner or occupant, and may include a lessee, sub-lessee, any vendee in possession, corporate officer, general partner, or any other person managing or operating such building or premises or part thereof.

Person: Includes a corporation, partnership, joint-venture or any other business entity, as well as an individual.

Premises: A lot or group of lots, including any building or buildings, structure or structures or parts thereof situated thereon and considered as a unit devoted to a particular use, including accessory buildings and open spaces required or used in connection with such use.

THE BULK BASIC/NATIONAL BUILDING CODE/1984

Table 401
FIRE RESISTANCE RATINGS OF STRUCTURE ELEMENTS (IN HOURS)

Structure element Note 3	Exposure walls (Section 1403.0 and Note D)	Type of construction Section 401.0									
		Noncombustible					Noncombustible/Combustible				
		Type 1 Section 402.0	Type 2 Section 403.0		Type 3 Section 404.0		Type 4 Section 405.0	Type 5 Section 406.0		Composite	
		Protected	Protected	Unprotected	Protected	Unprotected	Heavy Imper.	Protected	Unprotected	Protected	Unprotected
		1A	1B	2A	2B	2C	3A	3B	4	5A	5B
1 Fire separation of 3" or more	Bearing	4	3	2	1	0	2	2	2	1	0
	Nonbearing	0	0	0	0	0	0	0	0	0	0
Fire separation of less than 3"	Bearing	4	3	2	1½	1	2	2	2	1	1
	Nonbearing	2	2	1½	1	1	2	2	2	1	1
Fire separation of 6" or more but less than 11"	Bearing	4	3	2	1	0	2	2	2	1	1
	Nonbearing	2	2	1½	1	0	2	2	2	1	1
Fire separation of 11" or more but less than 37"	Bearing	4	3	2	1	0	2	2	2	1	1
	Nonbearing	1½	1½	1	1	0	1½	1½	see Sec. 405.0	1	1
2 Fire walls and party walls (Section 1407.0)		4	3	2	2	2	2	2	2	2	2
3 Fire separation assemblies (Sections 313.0, 1403.0 and 1412.0)		1	1	1	1	1	1	1	1	1	1
4 Fire enclosures of stairs, elevators and shafts (Section 418.2, 1409.0 and Note C)		2	2	2	2	2	2	2	2	2	2
5 Shafts (other than stairs) and elevator hoistways (Section 1410.0 and Note C)		2	2	2	2	2	2	2	2	1	1
6 Exit access corridors (Note 4)		1	1	1	1	1	1	1	1	1	1
Separation of tenant spaces (see Note K)		1	1	1	1	1	1	1	1	1	1
7 Driveways and separations		1	1	1	1	1	1	1	1	1	1
Other separating partitions		0	0	0	0	0	0	0	0	0	0

Fire resistance ratings corresponding to fire rating of the group—(see Table 1407)

Fire resistance ratings corresponding to fire rating of the group—(see Table 1407)

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TYPES OF CONSTRUCTION CLASSIFICATION

8. Interior bearing walls, bearing partitions, columns, girders, trusses (other than roof trusses) and framing (Section 1411.0)	Supporting more than one floor	4	3	2	1	0	1	0	See Sec. 405.0	1	0
	Supporting one floor only	3	2	1½	1	0	1	0	See Sec. 405.0	1	0
	Supporting 2 feet only	3	2	1½	1	0	1	0	See Sec. 405.0	1	0
9. Structural members supporting wall (Section 1411.0 and Note h)	2 feet only	3	2	1½	1	0	1	0	1	1	0
	Not less than fire-resistance rating of wall supported	—	—	—	—	—	—	—	—	—	—
10. Floor construction enclosing beams (Section 1412.0)		3	2	1½	1	0	1	0	See Sec. 405.0 Note d	1	0
	15' or less in height to lowest member	2	1½	1	1	0	1	0	See Sec. 405.0 Note d	1	0
	More than 15' but less than 20' in height to lowest member	1	1	1	0	0	0	0	See Sec. 405.0 Note d	1	0
11. Roof construction, including beams, trusses and framing, arches and steel decks (Section 1412.0 and Note f)	20' or more in height to lowest member	0	0	0	0	0	0	0	See Sec. 405.0 Note d	0	0
	Not less than fire-resistance rating of roof supported	—	—	—	—	—	—	—	—	—	—

Note z. For special high hazard uses involving a higher degree of fire severity and higher concentration of combustible contents, the fire-resistance rating requirements for structural elements shall be increased accordingly (see Section 600.2).

Note b. The fire separation or fire exposure in feet as herein limited applies to the distance measured from the building face to the closest interior lot line, the center line of a street or public space or an imaginary line between two buildings on the same property (see definition of fire separation, exterior fire exposure in Section 201.0).

Note c. Exit and shaft enclosures connecting three floor levels or less shall have a fire-resistance rating of not less than 1 hour (see Sections 1409.1.3 and 1410.3).

Note d. In Type 4 construction, members which are of material other than heavy timber shall have a fire-resistance rating of not less than 1 hour (see Section 1724.2).

Note e. Fire-retardant treated wood, complying with Section 1403.5.1 may be used as provided in Section 1403.5.2 (see Section 1405.7).

Note f. Where the omission of fire protection from roof trusses, roof framing and decking is permitted, roofs in buildings of Type 1 and Type 2 construction shall be constructed of noncombustible materials without a specified fire-resistance rating, or of Type 4 construction in buildings not over five stories or 65 feet in height (see Section 1413.4).

Note g. In all occupancies except Use Groups R-1 and R-2, exit access corridors serving 30 or fewer occupants may have a zero fire-resistance rating. Exit access corridors contained within a dwelling unit shall not be required to have a fire-resistance rating (see Section 810.4).

Note h. Structural members supporting fire-resistance rated exit access corridor walls in buildings of Types 2C, 3B or 5B construction shall not be required to be fire-resistance rated unless required by other provisions of this code (see Section 1409.4).

Note i. The exterior walls of buildings or structures of Type 5B construction with a fire separation of less than 15 feet shall have a fire-resistance rating of not less than 1 hour except buildings of Use Group R-2, R-3 or U (see Section 1406.2).

Note j. 1 foot = 304.8 mm.

Note k. In sprinklered 2C, 3B and 5B buildings, a one hour fire-resistance rating is not required. In buildings under 10,000 square feet in floor area, such

flow requirements as determined by the fire department may be met

[309.1] 506.1 Authority for private use of streets: No street, highway, alley or other public way shall be used by any person for a private purpose unless such person has first secured permission and authority to do so by an ordinance of the Mayor and City Council of Baltimore, or by a minor privilege permit issued by the Board of Estimates of the Mayor and City Council of Baltimore, or by a permit issued by the Director of Public Works, whichever one or more thereof may be applicable in any particular case.

[310.2] 507.2 Steps: Steps shall not project into any street, alley or other public way more than [one-fourth (1/4)] 1/4 of the width of the sidewalk on which any such steps are located, nor for more than [four (4)] 4 feet in any case. In no event, however, shall the clear sidewalk be less than [four (4)] 4 feet WIDE. [Within the fire limits no projecting steps of any size are permitted.]

[310.9] 507.9 Areas and [Areaways] areaways: All areas and areaways projecting into streets, alleys or other public ways shall be protected as herein required. Other areas and areaways shall be protected as required by the Commissioner BUILDING OFFICIAL to prevent the existence of a hazardous condition.

Areas and [covered] areaways *to be covered* shall be provided with an approved noncombustible cover at sidewalk level, designed to support the live load specified for the sidewalk in which they are placed or any other live load *to which* they may be subject [to]. Where such cover is an open grating, the openings therein shall *be not [be]* large enough to ~~pass~~ PERMIT THE PASSAGE OF a 3/4 inch diameter ball. Means shall be provided to prevent persons falling into areas or areaways while the covers are open.

Open areaways shall be provided with a substantial noncombustible handrailing not less than 42 inches high and having no opening large enough to pass a 6-inch diameter ball.

[316.2] 514.2 Trees and shrubbery: No trees or shrubbery shall be planted on any street or other public way without first obtaining permission from the Director of Recreation and Parks or the Director of Public Works. No trees or shrubbery shall be planted on any other public property without first obtaining permission from the Department, Bureau or other public agency having jurisdiction over such property.

All trees and shrubbery shall be protected against injury during the performance of any building operations and no trees or shrubbery shall be removed without the consent of the owner thereof. All trees or shrubbery which are dangerous to life or property or which create a fire or traffic hazard shall be [removed or] *pruned or removed* by the owner thereof [in order] to eliminate such danger or hazard.

[Any and all] All trees and shrubbery shall be [removed or] kept properly *pruned or removed* by the owner thereof, if any such trees or shrubbery obstruct, project over or encroach upon any property other than that upon which [any such trees or shrubbery] *they* were planted.

[423.5 Surface and drainage: Parking lots shall be paved with concrete, macadam or asphalt with surface drainage directed so that water will not flow across an adjoining property line or sidewalk except at the driveways.]

[431.8 Elevators: Elevator operation and installation shall be in accordance with Article 16 of this code, the standards listed in Appendix B and the following:

1. At least one (1) elevator shall be provided for Fire Department emergency access to all floors.

2. Elevator operation shall be in accordance with the Safety Code for Elevators listed in Appendix B; said elevator cab shall be of such size as to accommodate an ambulance cot in its horizontal open position.]

[431.9 Emergency power, light and emergency systems: Emergency power, light and emergency systems shall comply with the following:

1. Emergency power: A permanently installed on-site power generation system shall be provided. All power lighting, signal and communication facilities provided under the requirements of this section, including an independent ventilation system for the emergency power generator room, shall be transferable to the emergency power source.

The electrical power requirements for sizing the emergency power generation systems shall include but not be limited to the following:

- a. fire protection equipment, including fire pumps;
- b. mechanical ventilation equipment required by this section including power operated windows;
- c. elevator cars required by Section 431.8;
- d. emergency lighting; and
- e. the normal loads of all facilities classed as emergency.

The regular light and power circuits supplying such facilities are classified as emergency systems and shall be automatically transferable to the emergency power generating system.

2. Emergency lighting: Emergency lighting shall include but not be limited to the following:

a. separate lighting circuits and facilities sufficient to provide light with an intensity not less than one (1) foot candle measured at floor level in all exitway access corridors, stairways, smokeproof enclosures, elevators, elevator lobbies, and other areas which are clearly part of the means of egress; and

b. all circuits supplying lighting for the central control station, the emergency power generator rooms and other rooms housing control equipment for the mechanical systems required by this section shall be transferable to the emergency power system.

3. Emergency systems: All electrical systems and facilities required by this section and classified as emergency shall be installed in an approved manner. The

following systems and lighting loads are classified as emergency facilities and shall operate within ten (10) seconds of primary power failure:

- a. required lighted exit signs and exit pathway illumination;
- b. fire alarm and sprinkler alarm systems;
- c. fire detection systems;
- d. elevator car lighting;
- e. stairway door control systems; and
- f. voice communication systems.]

[431.9.1 Emergency power, light and emergency systems alternatives and exceptions: The power generation system required in Section 431.9 may consist of one or more systems of independent sources of power, including but not limited to battery packs, generators, and natural gas or petroleum product fed motors and pumps, however, excluding public utility supplied electricity.

Fire pumps shall not be required to be connected to the power generation system in Section 431.9 in B (business) buildings connected to the redundant power system known as the Baltimore Gas and Electric Company A, C, Network.]

[SECTION 432.0 COVERED MALLS

432.2.3 Exitways: Exitways shall be provided in accordance with the following:

1. The maximum length of exitway access travel from any point within the mall to an approved exitway along the natural and unobstructed path of travel shall not exceed two hundred (200) feet.

2. Each individual occupancy within the covered mall building shall be provided with a means of egress in accordance with other provisions of this code. Measurements may be made to the entrance to the mall.

3. When the length of travel from the most remote point within a tenant space exceeds fifty (50) feet to the mall, a second means of egress shall be provided. When two (2) or more means to egress are required, the secondary exits may open into the mall, an exit corridor, an exit enclosure or to the exterior. When a corridor provides the second means of egress it shall be of one (1) hour fire resistance rated construction and doors to the corridors shall be one (1) hour opening protectives. Such doors shall be self-closing and be so maintained, or shall be automatic closing when actuated by smoke detectors.

4. Anchor stores shall provide the required number of exitways and units of exit width directly to the exterior. The occupant load of anchor stores opening into the mall shall not be included in determining exitway requirements for the mall.

5. The dead end of a mall shall not exceed twice its width.

6. In determining required exitway facilities of the mall, the number of occupants for whom exitway facilities are to be provided shall be based on gross leasable area of the covered mall building (including anchor stores) and shall be based on the following table:

Square feet per person	Gross leasable area (sq. ft.)
30	under 300,000
40	300,000 – 700,000
50	Over 700,000

7. The minimum width of exitway access passageways and corridors from a mall shall be fifty-six (56) inches.

8. The required units of exit width and exitways shall be distributed equally throughout the mall.

9. Storage is prohibited in exitway corridors which are also used for service to the tenants. Such corridors shall be posted with conspicuous signs so stating.]

500.1 SCOPE: THE PROVISIONS OF THIS ARTICLE CONTROL THE DIVISION OF THE CITY INTO FIRE LIMITS AND HEIGHT AND AREA OF ALL BUILDINGS HEREAFTER ERECTED, AND EXTENSIONS TO EXISTING BUILDINGS HEREAFTER ALTERED OR ENLARGED AS A FUNCTION OF THE TYPE OF CONSTRUCTION, USE GROUP, EXTERIOR EXPOSURE AND ACCESSIBILITY OF BUILDINGS AND STRUCTURES FOR FIRE FIGHTING PURPOSES.

SECTION 515.0 RESTRICTIONS WITHIN THE FIRE LIMITS

515.1 GENERAL: ALL BUILDINGS AND STRUCTURES, AND ALL ADDITIONS TO EXISTING BUILDINGS AND STRUCTURES, HEREAFTER ERECTED WITHIN THE BOUNDARIES OF THE FIRE LIMITS SHALL BE OF FIREPROOF (TYPE 1), PROTECTED NONCOMBUSTIBLE (TYPES 2A AND 2B), HEAVY TIMBER (TYPE 4), OR ORDINARY PROTECTED (TYPE 3A), CONSTRUCTION AS DEFINED IN ARTICLE 2 AND REGULATED IN TABLE 401; AND SHALL BE CONSTRUCTED WITHIN THE HEIGHT AND AREA LIMITATIONS OF TABLE 501 EXCEPT AS HEREIN PROVIDED. OPEN PARKING STRUCTURES MAY BE CONSTRUCTED AS PERMITTED UNDER SECTION 623.0.

515.2 TYPE 2C, 3B AND 4 CONSTRUCTION PERMITTED: BUILDINGS AND STRUCTURES, AND ADDITIONS TO EXISTING BUILDINGS AND STRUCTURES, HEREAFTER ERECTED WITHIN THE FIRE LIMITS MAY BE OF UNPROTECTED NONCOMBUSTIBLE (TYPE 2C), ORDINARY UNPROTECTED (TYPE 3B) OR PROTECTED FRAME (TYPE 4) CONSTRUCTION AS DEFINED IN ARTICLE 2 AND REGULATED IN TABLES 401 AND 501 WHEN CONSTRUCTED AND LOCATED IN ACCORDANCE WITH THE REQUIREMENTS OF TABLE 515.

TABLE 515

EXTERIOR WALL FIRERESISTANCE RATING REQUIREMENTS

Width of fire separation adjacent to exterior wall	Fireresistance rating of exterior wall' or barrier	Fireresistance rating of exterior opening protectives	Classification minimum of roof covering
On lot lines or less than 3 ft. therefrom or from any building	4 hour	Not permitted	B
More than 3 ft. but less than 6 ft.	3 hour	3 hour	B
6 ft. or more but less than 11 ft.	2 hour	1½ hour	B
11 ft. or more but less than 30 ft.	1 hour	¾ hour	B
30 ft. or more	0 hour	0 hour	C

Note 1. Not less than required by Table 401. The exterior wall or barrier shall extend to the height of the building and be so constructed that it will remain structurally in place for the duration of time indicated by the required fire resistance rating. When the exterior wall or barrier is adjacent to a flat roof, it shall be constructed with a parapet.

515.3 STORM ENCLOSURES: STORM ENCLOSURES MAY BE ERECTED OF FRAME CONSTRUCTION NOT MORE THAN TEN (10) FEET IN HEIGHT AND NOT MORE THAN THREE (3) FEET WIDER THAN THE ENTRANCE DOORS WHICH THEY SERVE, PROVIDED THEY DO NOT PROJECT MORE THAN SIX (6) FEET BEYOND THE BUILDING LINE.

515.4 BUILDERS' SHANTIES AND REVIEWING STANDS: TEMPORARY BUILDERS' SHANTIES ERECTED IN CONNECTION WITH APPROVED BUILDING OPERATIONS, PLATFORMS, REVIEWING STANDS, AND OTHER SIMILAR MISCELLANEOUS STRUCTURES MAY BE ERECTED OF FRAME (TYPE 5) CONSTRUCTION FOR A LIMITED PERIOD OF TIME AS APPROVED BY THE BUILDING OFFICIAL.

515.5 BINS, TANKS, TOWERS AND ROOF STRUCTURES

515.5.1 TIMBER CONSTRUCTION: COAL AND MATERIAL BINS, WATER TOWERS, TANK STRUCTURES AND TRESTLES MAY BE ERECTED OF MILL TYPE HEAVY TIMBER CONSTRUCTION WITH DIMENSIONS NOT LESS THAN REQUIRED FOR TYPE 4 CONSTRUCTION, NOT OVER THIRTY-FIVE (35) FEET IN HEIGHT, WHEN LOCATED THIRTY (30) FEET FROM THE INTERIOR LOT LINES OR ANY BUILDING, EXCEPT WHEN LOCATED ON LOT LINES ALONG A RAILROAD RIGHT OF WAY OR WATERFRONT.

515.5.2 ERECTION ON BUILDINGS: AERIAL SUPPORTS NOT MORE THAN TWELVE (12) FEET IN HEIGHT, WATER TANKS AND FLAG POLES MAY BE ERECTED OF WOOD ON BUILDINGS, NOT MORE THAN THREE (3) STORIES NOR MORE THAN FORTY (40) FEET IN HEIGHT, AND DRIP BARS IN COOLING TOWERS MAY BE CONSTRUCTED OF WOOD.

515.6 MOTOR FUEL SERVICE STATIONS: GASOLINE SERVICE STATIONS, AND STRUCTURES OF SIMILAR BUSINESS USES, NOT INCLUDING HIGH HAZARD (H) USES, MAY BE ERECTED OF UNPROTECTED NONCOMBUSTIBLE (TYPE 2C) CONSTRUCTION WITHIN THE HEIGHT AND AREA LIMITS OF USE GROUP B OF TABLE 501, PROVIDED THEY ARE LOCATED NOT LESS THAN ELEVEN (11) FEET FROM THE LOT LINE OR ANY BUILDING.

515.7 BUS AND PASSENGER TERMINALS: ROOFS OVER PARKING LOTS, BUS AND PASSENGER TERMINALS MAY BE ERECTED ONE (1) STORY AND NOT OVER TWENTY (20) FEET IN HEIGHT AND NOT MORE THAN ELEVEN THOUSAND (11,000) SQUARE FEET IN AREA OF NONCOMBUSTIBLE (TYPE 2C) CONSTRUCTION OR OF HEAVY TIMBER MILL (TYPE 4) CONSTRUCTION.

515.8 STORE FRONTS: WOOD VENEERS OF ONE (1) INCH NOMINAL THICKNESS OR EXTERIOR GRADE PLYWOOD NOT LESS THAN THREE-EIGHTHS (3/8) INCH THICK MAY BE USED ON STORE FRONTS WHEN FACING PUBLIC STREETS; PROVIDED THE VENEER DOES NOT EXCEED ONE (1) STORY IN HEIGHT AND IS APPLIED TO NONCOMBUSTIBLE BACKING OR IS FURRED NOT TO EXCEED ONE AND FIVE-EIGHTHS (1 5/8) INCH AND FIRESTOPPED IN ACCORDANCE WITH SECTIONS 1420.0 AND 1412.0. WHERE ALL WOOD VENEERS COMPLY WITH SECTION 1403.5.2 FOR EXTERIOR USE, THE HEIGHT MAY BE INCREASED TO TWO (2) STORIES.

SECTION 516.0 RESTRICTIONS OUTSIDE FIRE LIMITS

516.1 GENERAL: OUTSIDE THE FIRE LIMITS, ALL TYPES OF CONSTRUCTION EXCEPT AS HEREIN SPECIFICALLY PROHIBITED, OR FOR WHICH SPECIAL APPROVAL IS REQUIRED IN CONNECTION WITH HIGH HAZARD USES AND OCCUPANCIES IN ARTICLE 6, SHALL BE PERMITTED WITHIN THE HEIGHT AND AREA LIMITATIONS OF TABLE 501.

516.2 LOT LINE SEPARATION: IN FRAME CONSTRUCTION, AN EXTERIOR WALL ERECTED LESS THAN SIX (6) FEET FROM ITS ADJACENT LOT LINE SHALL BE OF ONE (1) HOUR FIRERESISTANCE RATED CONSTRUCTION, INCLUDING OPENING PROTECTIVES, EXCEPT STORE FRONT AND WINDOW AND DOOR OPENINGS IN ONE- AND TWO-FAMILY DWELLINGS. EXTERIOR WALLS OF TYPE 5 FRAME CONSTRUCTION SHALL NOT HAVE OPENINGS OF ANY TYPE WHEN LOCATED THREE (3) FEET OR LESS FROM INTERIOR LOT LINES.

516.3 ROOF COVERINGS: ROOF COVERINGS SHALL CONFORM TO THE FIRERESISTIVE REQUIREMENTS FOR CLASS A, B, C OR NON-RATED ROOFINGS COMPLYING WITH THE PROVISIONS OF SECTION 1403.0 AND 1427.0.

617.10 Oil interceptors not required: Notwithstanding the provisions of the Plumbing Code of Baltimore City, open parking structures are not required to have oil interceptors in the floor drain system.

618.9.1.3 Connected facilities: All power, lighting, signal, and communication facilities specified in Sections 618.4, 618.5, 618.6, 618.7, 618.8 and 618.9, as applicable, and electrically powered fire pumps required to maintain pressure, shall be transferable to the standby source. Service shall be provided for access to all floors by at least ~~one~~ 1 elevator when standby power is connected. The power generation system required in Section 618.9 may consist of ~~one~~ 1 or more systems of independent sources of power, including but not limited to battery packs, generators, and natural gas or petroleum product fed motors and pumps, however, excluding public utility supplied electricity. The connection of fire pumps in B (business) buildings in the downtown area to the power generation system shall not be required where they are connected to 2 underground radial feeders or to a 2 feeder spot network system of the Baltimore Gas and Electric Company.

SECTION 623.0 PARKING LOTS

623.1 Driveways: All driveways shall be located and constructed in accordance with the rules and regulations of the Department of Public Works.

623.2 Surface and drainage: Parking lots shall be paved with concrete, macadam or asphalt, with surface drainage directed so that water will not flow across an adjoining property line or sidewalk except at the driveways.

623.3 Arrangement of parking spaces: Parking spaces shall be arranged in accordance with the Zoning Ordinance of Baltimore City and the rules and regulations of the Baltimore City Planning Commission.

623.4 Curbs or bumpers: Curbs or bumpers not less than 6" high and 8" wide shall be installed a minimum of 4 feet from the parking lot perimeter; except where parking spaces are parallel to the perimeter of the parking lot this distance may be reduced to 2 feet. Such curbs or bumpers shall be of concrete, wood, or an approved type metal wheel stop securely fixed in place.

[506.2] **704.2 Window size:** Windows and exterior doors may be used as a natural means of light and ventilation, and when so used their aggregate glass area shall amount to not less than [ten percent (10%)] 10% of the floor area served, and with not less than [one-half (1/2)] 1/2 of this required area available for unobstructed ventilation.

704.2.1 Light and ventilation from adjoining room: A blind room may receive light and ventilation from an adjoining habitable room when the common wall between the blind room and the habitable room is altered to remove 75% of the wall

as measured from the blind side, the window area of the existing habitable rooms ROOM is 10% of the total floor area of the combined rooms, and the window is made to open to an extent of not less than 5% of the total floor area of the combined rooms.

706.2 Window size: Windows and exterior doors may be used as a natural means of light and ventilation, and when so used their aggregate glass area shall amount to not less than 10% of the floor area served, and with not less than THAN 1/2 of this required area available for unobstructed ventilation.

706.2.1 Light and ventilation from adjoining room: A blind room may receive light and ventilation from an adjoining habitable room when the common wall between the blind room and the habitable room is altered to remove 75% of the wall as measured from the blind side, the window area of the existing habitable rooms ROOM is 10% of the total floor area of the combined rooms, and the window is made to open to an extent of not less than 5% of the total floor area of the combined rooms.

[609.3 Buildings with one (1) exitway: Only one (1) exitway shall be required in buildings of the use group and characteristics specified in the following Table 609, in the first story of buildings with an occupancy load not exceeding fifty (50) persons and an exitway access travel distance not exceeding fifty (50) feet on the first story and in basements used for storage, laundries, furnace rooms or other uses incidental to the building's occupancy with an exitway access travel distance not exceeding fifty (50) feet.]

[Table 609
BUILDINGS WITH ONE EXITWAY

CHARACTERISTICS OF THE BUILDING					
Use group	Max. height above grade 1	Size	Max. exit- way access travel distance	Min. fire- resistance rating of exitway enclosure	Min. fire- resistance rating of opening protection
R-2 (Resi- dential, (Multi- family) and Two family dwellings	2 stories	4 dwelling units per floor	50 ft.	1 hour	1 hour
B (Business)	2 stories	3000 sq. ft. per floor	75 ft.	1 hour	1 hour

Note 1. Areas complying with definition for basements shall not be counted as a story.]

809.3 Buildings with 1 exit: Only 1 exit is required in 1 family dwellings and in buildings of the use groups and characteristics specified in Table 809.3, and in stories at the level of exit discharge having an occupant load not exceeding 50 persons and an exit access travel distance not exceeding 75 feet (22860mm).

Table 809.3
BUILDINGS WITH ONE EXIT^a

Use group	Max. height above grade ^b	Max. size	Max. exit access travel distance	Min. fire- resistance rating of exit enclosure	Min. fire- resistance rating of opening protection
R-2	2 stories	4 dwelling units per floor	50 ft.	1 hour	1 hour
and 2 family dwellings	2 stories	None	50 ft.	1 hour	1 hour
B and S-2	2 stories	3500 sq.ft. per floor	75 ft.	1 hour	1 hour

Note a. Open parking structures shall have the number of exits prescribed in Section 809.5.

Note b. Areas complying with definition for basements shall not be counted as a story.

Note c. 1 foot = 304.8mm; 1 square foot = 0.093m².

[610.4.1 Opening protectives: All door assemblies from rooms opening onto a corridor required to be of one (1) hour fireresistance rated construction shall be self closing or automatic closing by smoke detection, with twenty (20) minute fire protection rating when tested in accordance with ASTM E152 listed in Appendix G without the hose stream and labeled and listed by an independent, approved agency.

All door assemblies from rooms opening onto a corridor, required by Table 214 to be of two (2) hour fireresistance rated construction, shall be one and one-half (1 1/2) hour fire doors.

Exception: Door closing devices shall not be required on such doors in institutional buildings of use group 1-2 other than those serving exits or required enclosures of hazardous areas. All doors shall be provided with approved positive latches suitable for keeping the door tightly closed.]

810.4.2 Opening protectives: All door assemblies from rooms opening onto a corridor, required to be of 1 hour fireresistance rated construction, shall be self-closing or automatic-closing by smoke detection, with a 20 minute fireresistance rating when tested in accordance with ASTM E152 listed in Appendix A without the hose stream and labeled and listed by an approved agency. All door assemblies from rooms opening onto a corridor, required by Table 401 to be of 2 hour fireresistance rated construction, shall be 1 1/2 hour fire doors.

Exception: Door closing devices shall not be required on such doors in institutional buildings of Use Group 1-2 other than those serving exits or required enclosures of hazardous areas, and in locations where closers may be omitted such doors may be unlabeled 1 3/4 inch solid bonded core wood or equivalent construction.

[612.3 Size of doors: The minimum width of single door openings shall provide a clear width of not less than thirty-two (32) inches except for door openings within a dwelling unit the clear width shall be not be less than twenty-eight (28) inches for all except bathroom door openings which may be twenty-four (24) inches. The maximum width shall be forty-eight (48) inches nominal. Means of egress doors in institutional buildings (use group 1) used for the movement of beds shall be at least forty-four (44) inches wide. When the doorway is subdivided into two (2) or more separate openings, the minimum clear width of one (1) opening shall be not less than thirty-two (32) inches, and each opening shall be computed separately in determining the number of required units of egress width. A door forty (40) inches in width shall be deemed the equivalent of two (2) full units of egress width. The height of doors shall not be less than six and two-thirds (6 2/3) feet, except the height of doors within a dwelling unit shall be not less than six and one half (6 1/2) feet.]

812.3 Size of doors: The minimum width of single door openings shall provide a clear width of not less than 32 inches (813mm), except that for door openings within a dwelling unit the clear width shall be not less than 28 inches (711mm). The maximum width of a door leaf shall be 48 inches nominal. Means of egress doors in Use Group I used for the movement of beds shall be at least 44 inches (1118mm) wide. When a doorway is subdivided into two 2 or more separate openings, the minimum clear width of one 1 opening shall be not less than 32 inches (813mm) and each opening shall be computed separately in determining the number of required units of egress width. A door 40 inches (1016mm) in width shall be deemed the equivalent of two 2 full units of egress width. The height of doors shall be not less than 6 2/3 feet (2032mm), except that within a dwelling unit the height of doors shall be not less than 6 1/2 feet (1981mm).

Exceptions:

1. An egress door serving a storage area of not more than 800 square feet (74 m²) and which is normally unoccupied shall have a maximum width of 10 feet (3048mm).

2. Bathroom doors within a dwelling unit may be 24 inches in width.

819.1 As required exit: Exterior stairways conforming to the requirements for interior stairways as required in Section 816.0, except as to enclosures and fire doors and except as herein specifically modified, may be accepted as an element of a required means of egress in buildings not exceeding 5 stories or 65 feet (19812 mm) in height for other than buildings of Use Groups I-2 and I-3. Exterior stairways and exit access balconies in climates subject to snow or ice shall be protected to prevent accumulation of same.

Exception:

Existing exterior stairways rising not more than 3 feet in total vertical height need not have the handrails and guards specified in Section 816.0.

819.1.2 Existing buildings: Open exterior stairways may be installed to provide required exits from existing buildings containing at least 1 approved interior stairway, subject to the following conditions:

1. Such stairways constructed of wood may be installed only on buildings of construction ~~Type~~ TYPES 3 or 5, and they shall not exceed 3 stories in height.

2. Where the stairway is being installed to provide the minimum number of required exits and not to provide additional exit width to accommodate the occupant load, minimum stairway width shall be 30 INCHES ".

3. Treads, risers, guards on open sides, handrails and landings shall conform to the requirements specified in Section 816.0 for interior stairways.

Section 821.0 Fire Escapes

821.1 Where permitted: Steel fire escapes may be installed on existing buildings, except those of Use Groups A, E and I, to provide required exits, provided they are constructed in accordance with the requirements of this section.

821.2 General requirements: Standard fire escapes shall consist of exterior balconies or platforms connected by exterior stairs, all constructed of steel or other approved incombustible materials. In cases where it is impossible to construct a standard steel fire escape in accordance with the provisions of this section, the building official may deviate from such provisions only so far as necessary to provide a safe means of egress. The top platform shall be connected to the roof by means of a gooseneck ladder, except where the pitch of the roof is more than 2 inches per foot the ladder may be omitted.

821.3 Design: Standard fire escapes shall be designed to support a live load of 100 pounds per square foot, except the treads in such stairs shall be designed to support a concentrated live load of 250 pounds at any point.

821.4 Stairs: Fire escape stairs shall rise at an angle of not more than 60 degrees. The treads shall be of steel or other approved incombustible material and not less than 6 inches in width and 20 inches in length. The rise of one tread over the other shall not exceed 10 inches. Either fixed or counterbalanced stairs shall be installed to extend from the lowest platform to the ground. Drop ladders are not permitted.

821.5 Balconies: Balconies or platforms of standard fire escapes shall be supported by posts, cantilever construction or brackets. Brackets supporting balconies or platforms shall be not more than 2 feet apart. The top of the bracket shall be substantially secured to the wall by through bolts and wall plates. Balconies shall be 3 feet 9 inches wide, and not more than 1 foot below the wall openings which they serve. They shall extend entirely across access windows and not less than 9 inches beyond the side of any such window. The landings of stairs shall be not less than 24 inches long and openings in balconies shall be sufficiently long to provide 6 feet 8 inches clear headroom. Balconies shall be made of bars spaced with openings between them which are not less than 1/2 inch nor more than 3/4 inch wide or an approved expanded metal grating may be used.

821.6 Railings: Stairs of standard fire escapes shall be provided with handrails on both sides; substantially connected to the stairs and, where possible, to the balconies. Such railings shall be not less than 36 inches high and have at least 1 intermediate rail located at the midpoint.

The open side of balconies shall be protected by railings substantially secured to the frame of the balcony. The end of the top rail shall be anchored or otherwise

substantially secured to the wall. The railing shall be not less than 36 inches high, have balusters or intermediate rails spaced so that a sphere with a diameter of 6 inches cannot pass through any opening and the bottom rail shall not be more than 6 inches above the balcony.

821.7 Roof ladders: Gooseneck ladders of standard fire escapes shall be not less than 16 inches wide in the clear and the rungs shall be made of 1/4 inch round or square bar spaced 12 inches center to center.

823.2 Size and color: Exit signs shall have green letters at least 6 inches (152mm) high and the minimum width of each stroke shall be 3/4 inch (19mm) on a white background or in other approved distinguishable colors. An arrow provided as part of an Exit sign, shall be constructed so that the arrow direction cannot be readily changed. The word Exit shall be clearly discernible even when the internally illuminated sign is not energized.

[710.2 Minimum roof loads: Ordinary roofs, flat, pitched or curved, shall be designed for the live loads as specified in Table 710 or the snow load computed by the methods of Section 711.0, whichever is greater.]

[Table 710

MINIMUM ROOF LIVE LOADS

Roof Slope		Live load (pounds/square foot of horizon- tal projection)
Flat:	Flat or rise less than 4 inches per foot	30
Pitched:	Rise 4 inches per foot to less than 12 inches per foot	20
	Rise 12 inches per foot and greater	12
Curved:	Arch or dome with rise less than 1/8 of span	30
	Arch or dome with rise 1/8 of span to less than 3/8 of span	20
	Arch or dome with rise 3/8 of span or greater	12]

Table 910
MINIMUM ROOF LIVE LOADS

	<i>Roof Slope</i>	<i>Live load (pounds/square foot of horizon- tal projection)</i>
<i>Flat:</i>	<i>Flat or rise less than 4 inches per foot</i>	<i>30</i>
<i>Pitched:</i>	<i>Rise 4 inches per foot to less than 12 inches per foot</i>	<i>20</i>
	<i>Rise 12 inches per foot and greater</i>	<i>12</i>
<i>Curved:</i>	<i>Arch or dome with rise less than 1/8 of span</i>	<i>30</i>
	<i>Arch or dome with rise 1/8 of span to less than 3/8 of span</i>	<i>20</i>
	<i>Arch or dome with rise 3/8 of span or greater</i>	<i>12</i>

[800.1 Scope: The provisions of this article shall govern the quality, workmanship and requirements for all materials and methods and the minimum specifications for enclosure walls and wall thickness hereafter used in the construction of buildings and structures. All materials and methods of construction shall conform to the approved rules, standards for materials and tests and requirements of accepted engineering practice herein listed.

Appendix B	Accepted Engineering Practice
Appendix C	Material Standards
Appendix D	Structural Unit Test Standards
Appendix E	Structural Assembly Test Standards
Appendix F	Durability Test Standards
Appendix G	Fire Test Standards
Appendix H	Standard Time-Temperature Test Controls
Appendix I	Fire Protection Standards

The building official shall have the authority to review more recent editions of the standards listed in the above Appendices and to adopt same in lieu of those specified above. A list of standards currently approved by the building official, otherwise than as specified above, shall be published as Interpretations of the Baltimore City Building Code as specified in Section 125.1.4 and shall be filed with the Department of Legislative Reference.]

1100.1 Scope: The provisions of this article shall govern the quality, workmanship and requirements for all construction materials hereafter used in the construction of buildings and structures. All construction materials and tests shall conform to the applicable standards listed in the appendices to this code.

The building official shall have the authority to review more recent editions of the listed standards and to adopt same in lieu of those adopted herein. A list of standards currently approved by the building official, otherwise than as specified, shall be published as Interpretations of the Baltimore City Building Code as specified in Section 123.1.4 and shall be filed with the Department of Legislative Reference.

[319.1] 1313.1 Scope: To establish standards of construction techniques and materials for any new construction or substantial improvement of existing structures, for fill, for placement and construction of utilities, for landscaping and for [any] other improvements which may hereafter be constructed, altered, or otherwise [be] located in a flood plain district or its constituent parts, the floodway, the floodway fringe, the approximated flood plain, the harbor flood zone, the shallow flood zone and the coastal hazard zone. These regulations are in addition to all other laws, ordinances and regulations of ~~Baltimore~~ THE City regarding construction and land development as well as all applicable laws and regulations of the State of Maryland and appropriate Federal agencies. In case of conflict, the more stringent or restrictive [requirements] *requirement* shall apply.

The flood plain delineation, showing all areas subject to inundation by a [one hundred (100)] 100 year flood, is based on available information, studies and engineering technology contained in the Flood Insurance Study for Baltimore City, effective March 15, 1978, as revised effective March 16, 1983 by the Flood Insurance Administration, prepared for the Department of Housing and Urban Development and Federal Emergency Management Agency, and as it may be further revised or amended by the Flood Insurance Administration (hereinafter, "Flood Insurance Study").

[319.2] 1313.2 Definitions. The following definitions are in addition to the definitions in other sections of this code.

20. "Coastal Hazard Zone (CHZ)" means those portions of coastal land subject to inundation from high velocity waters and wave action.

[319.5A] 1313.5A Development requirements, construction methods and materials for the coastal hazard zone (CHZ):

[The following regulations shall apply in addition to the regulations cited in Section 319.4 of this ordinance] *All requirements stated in Section 1313.4 shall apply, and in addition:*

[319.5A.1] 1. No land below the level of the [One Hundred (100)] 100 Year Tidal Flood may be developed unless the new construction or substantial [improvements;] *improvement*:

[1.] a is located landward of the reach of the mean high tide;

[2.] b is elevated on adequately anchored piling or columns, and securely anchored to such piling or columns so that the lowest portion of the structural

members of the lowest floor excluding the piling and columns are elevated to at least [one (1)] 1 foot above the [One Hundred (100)] 100 Year Tidal Flood level;

[3] *c.* has been certified by a registered professional engineer or architect that it is securely anchored to adequately anchored pilings or columns in order to withstand high velocity waters and hurricane wave wash;

[4] *d.* has no basement and has [the] *any* space below the lowest floor free of obstructions or is constructed with "breakaway walls" intended to collapse under stress without jeopardizing the structural support of the structure so that the impact on the structure by abnormally high tides or wind-driven water is minimized. Such temporarily enclosed space shall not be used for human habitation[.]; *and*

[5] *e.* does not utilize fill for structural support of buildings or structures.

[319.5A.2] 2. The placement of mobile homes is strictly prohibited.

[319.7.1] 1313.7.1 General: All necessary permits from the State of Maryland Water Resources Administration and appropriate Federal agencies shall be received prior to the issuance of a Baltimore City building permit. In addition to information normally provided on a building permit application and construction documents, the following must also be provided for development, new construction, or substantial improvements IMPROVEMENT, to existing structures located in the flood plain.

[319.7.4] 1313.7.4 Utilities: All permit applications for development, new construction or substantial improvement shall include a plan drawing showing the location of all existing and proposed public and private utilities, facilities and drainage structures. The [one hundred (100)] 100 year flood elevation shall be delineated on the plan. All plans shall be certified by a registered professional engineer[,} where required by Section [127.2] 108.0, or a registered architect, and shall be reviewed by the building official to assure that:

1. all such proposals are consistent with the need to minimize flood damage.
2. all public and private utilities and facilities (including sewer, water, telephone, electric, gas, etc.) are located and constructed to minimize or eliminate flood damage.
3. adequate drainage is provided to reduce exposure to flood hazard.

[319.9.1] 1313.9.1 Conditions: Variances from the requirements of Sections [319.4, 319.5 and 319.6] 1313.4, 1313.5 and 1313.6 may be granted for structures in the floodway fringe, approximated flood plain, harbor flood zone, shallow flood zone and coastal hazard zone for the following conditions:

1. severe hardship – for substantial improvements where, because of extraordinary circumstances, local conditions may render the application of certain standards a severe hardship.
2. harbor flood area – for new construction and substantial improvements in the [hazard area adjacent to the harbor defined as] the harbor flood zone [in Section 319.2].

[1202.13 Story, cellar or basement: In every story, cellar or basement of all buildings where there is not provided at least twenty (20) square feet of opening entirely above the adjoining grade level in each fifty (50) lineal feet of exterior wall in the story, cellar or basement, on at least two (2) sides of the building. Openings shall have a minimum dimension of not less than twenty-two (22) inches. Such openings shall be unobstructed to allow fire fighting and rescue operations from the exterior.

Exception: If the area of a cellar exceeds two thousand, five hundred (2,500) square feet, an automatic fire suppression system is required.

For purposes of this section, an opening in an exterior wall qualifies as follows:

1. Doors or access panels may be included in the determination of openings; and
2. Windows may be included in the determination of openings if they provide a breakable glazed area of not less than twenty-two (22) inches in its least clear dimension.

In every educational building (use group A-4) containing a room or space used for classroom or other educational purposes or normally subject to student occupancy which does not have at least one (1) window opening to the outside and suitable for emergency rescue use. In lieu of the window requirements specified above in this section, a window suitable for emergency rescue use in educational buildings shall be openable from the inside without the use of tools, provide a clear opening of not less than twenty (20) inches in width, twenty four (24) inches in height and five and seventh tenths (5.7) square feet in area, and the bottom of the opening shall be not more than forty-four (44) inches above the floor.].

[1202.16] 1702.18 Furnace rooms: In furnace rooms, boiler rooms and rooms for similar uses:

Exceptions:

1. Such room located entirely within and serving a single dwelling unit.
2. [Rooms, other than those containing a boiler as defined in Section 201.0,] Such room constructed so as to provide not less than one [one (1)] 1 hour separation from all other portions of the building.

1711.2 Where required: Standpipe systems shall be installed in the locations prescribed in Sections 1711.2.1 through 1711.2.12.

1711.2.12 Open parking structures: In all open parking structures 4 stories or more in height regardless of the area per floor.

1714.1 Required: All fire suppression and standpipe systems shall be provided with at least one automatic supply of extinguishing material of adequate pressure, capacity and reliability to perform the function intended, except as provided in Section 1712.0.

Exception: A dry standpipe system may be installed in open parking structures which do not exceed 75 feet in height.

1808.2 DRAINAGE OF GRADED AREAS: A PERSON SHALL NOT CHANGE THE NATURAL GROUND OR GROUND LEVEL OF ANY LOT OR

PREMISES IN ANY WAY WHICH RESULTS OR MAY RESULT IN ANY CHANGING OF THE DIRECTION VOLUME, DISTRIBUTION OR VELOCITY OF THE FLOW OF WATER ON OR OVER ANY ADJOINING LOT OR PREMISES OF THE SIDEWALK OF ANY STREET, ALLEY OR OTHER PUBLIC WAY WITHOUT A PROPER PERMIT OR IN VIOLATION OF THIS CODE.

1808.3 UTILITY CONNECTIONS: ALL SERVICE UTILITY CONNECTIONS SHALL BE DISCONTINUED AND CAPPED IN ACCORDANCE WITH THE APPROVED RULES AND THE REQUIREMENTS OF THE AUTHORITY HAVING JURISDICTION.

[1406.1] 1906.1 Restricted signs: No sign extending or projecting more than [eight (8)] 8 inches beyond the building wall proper[,] shall hereafter be erected on either side of Charles Street from Baltimore Street to Mount Royal Avenue. Signs located within the area bounded [on] by the outer limits, respectively, of Centre Street on the north, Pratt Street on the south, the Fallsway on the east, Greene Street on the west, and Druid Hill Avenue on the northwest shall be subject to the provisions of [Chapter 10 of Article 30 – Zoning of the Baltimore City Code ({1976 Edition} 1983 Replacement Volume, as amended)] the *Zoning Code of Baltimore City*.

[1501.2] 2001.1 ADMINISTRATION: THE BUILDING OFFICIAL SHALL ADMINISTER AND ENFORCE THESE ELECTRICAL REGULATIONS AND IS THE AUTHORITY HAVING JURISDICTION OF ENFORCEMENT OF THE NATIONAL ELECTRICAL CODE.

[1502.2] 2002.2 PERMITS: NO MATTER, THING, OPERATION OR WORK MENTIONED IN, REGULATED OR PROVIDED FOR BY ANY OF THE PROVISIONS OF THESE ELECTRICAL REGULATIONS SHALL BE COMMENCED UNTIL AN ELECTRICAL PERMIT HAS BEEN ISSUED BY THE [DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT] BUILDING OFFICIAL AS PROVIDED IN SECTION [113.0] 112.0.

A SPECIAL PERMIT SHALL BE REQUIRED FOR THE INSTALLATION OF:

1. TELEVISION AND RADIO ANTENNAS.
2. THE PILOT GENERATOR OF A GRAVITY FEED GAS FIRED FURNACE.

ANY OTHER SPECIAL INSTALLATIONS WHEN SO DETERMINED BY THE BUILDING OFFICIAL.

NO PERMIT SHALL BE REQUIRED TO REPAIR PORTABLE ELECTRICAL EQUIPMENT OR LIGHTING FIXTURES, OR TO REPAIR OR REPLACE SOCKETS, RECEPTACLES OR SNAP SWITCHES. SUCH WORK MUST BE PERFORMED BY A REGISTERED MASTER ELECTRICIAN OR A REGISTERED [MAINTENANCE] MASTER RESTRICTED ELECTRICIAN.

[1504.1] 2004.1 Approval of electrical materials, appliances and equipment: Only [such] electrical materials, appliances or equipment [as are] approved by the building official shall be sold or permitted to be installed. The building official shall approve all materials, appliances, and equipment that are listed and labeled by the Underwriters' Laboratories, Incorporated or other independent testing or-

ganization approved by the building official, except such materials, appliances or equipment as are not permitted to be sold or installed by other sections of this code. In the investigation of new materials, appliances and equipment, the building official shall give consideration to the factors listed in NEC 110-3.

[1508.1] 2008.1 — Code and enforcing authority: The following definitions apply to terms used in Section 1500.0 of this code. In addition to these those given in Article 100 of the National Electrical Code (NEC) shall apply:

Authority enforcing this code: the Commissioner of Housing and Community Development.

National Electrical Code or NEC: the National Electrical Code, ~~[1981] 1984~~ Edition, NFPA No. 70-~~[1981] 1984~~; as published by the National Fire Protection Association, and future editions when approved by the American National Standards Institute and the building official.

[1507.1 2007.1 VIOLATIONS: ANY AND ALL ACTS [OR ACTIONS] WHICH ARE CONTRARY TO, [ANY OF THE PROVISIONS OF] OR ANY AND ALL FAILURES TO COMPLY WITH, ANY [OF THE PROVISIONS] PROVISION OF [THESE ELECTRICAL REGULATIONS OR OF THE BUILDING CODE PERTAINING TO OR INVOLVING ELECTRICAL WORK] THIS CODE OR OF THE NATIONAL ELECTRICAL CODE ARE VIOLATIONS AND SUBJECT TO PENALTIES AS PROVIDED IN SECTION [121.0] 117.0.

[1509.1] 2009.1 GENERAL REQUIREMENTS: ELECTRICAL WORK SHALL CONFORM TO THE REQUIREMENTS OF THIS CODE AND THE NATIONAL ELECTRICAL CODE (NEC), 1984 EDITION, NFPA NO. 70-1984, AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, AND FUTURE EDITIONS WHEN APPROVED BY THE AMERICAN NATIONAL STANDARDS INSTITUTE AND THE BUILDING OFFICIAL, SUBJECT TO THE MODIFICATIONS GIVEN IN SECTION [1510.0] 2010.0.

[1510.1] 2010.1 General: The following list indicates modifications and supplements to the technical provisions of the National Electrical Code with the affected requirement identified by the Section number of the NEC.

Section 210-(5)(c) Ungrounded Conductor:

-Each ungrounded conductor of a multi-wire circuit shall have its own individual color identification. All ungrounded conductors of the same identification shall be connected to the same ungrounded feeder conductor, and the conductors for systems of different voltages shall be of different identification.

SECTION 210-8 GROUND FAULT CIRCUIT PROTECTION:

SUBHEADINGS (C) AND (D) SHALL BE ADDED TO SECTION 210-8 OF THE NEC TO READ AS FOLLOWS:

(C) OTHER OCCUPANCIES. FOR ALL OTHER OCCUPANCIES ALL 120-VOLT, SINGLE PHASE 15- AND 20-AMPERE RECEPTACLE

OUTLETS INSTALLED OUTDOORS SHALL HAVE GROUND-FAULT CIRCUIT PROTECTION FOR PERSONNEL.

(D) EXCEPTION. ALL CONSTRUCTION SITES AND ALL OTHER OCCUPANCIES AT MARINE FACILITIES, SHIPYARDS AND SHIPS.

SECTION 210-23(A) OF THE NEC SHALL BE MODIFIED TO ADD THE FOLLOWING:

(1) CIRCUITS FOR FUEL BURNING EQUIPMENT

FOR FUEL BURNING EQUIPMENT, SUCH AS OIL AND GAS BURNERS AND STOKERS, INCLUDING SUCH AUXILIARIES AS FANS, BLOWERS, AND PUMPS, AN INDIVIDUAL BRANCH CIRCUIT HAVING DISCONNECTING MEANS ON THE LINE SIDE OF ALL EQUIPMENT AND DEVICES, OTHER THAN THE BRANCH CIRCUIT FUSES, SHALL BE PROVIDED. IF [TWO (2)] 2 OR MORE BRANCH CIRCUITS ARE PROVIDED FOR A FUEL BURNING SYSTEM, THEY SHALL BE SUPPLIED THROUGH A COMMON FEEDER PROVIDED WITH A DISCONNECTION MEANS WHICH WILL DISCONNECT ALL COMPONENTS OF THE SYSTEM.

(2) CONTROLS

OIL BURNERS OTHER THAN OIL STOVES WITH INTEGRAL TANKS SHALL BE PROVIDED WITH SOME MEANS FOR MANUALLY STOPPING THE FLOW OF OIL TO THE BURNERS. SUCH DEVICE [OR DEVICES] SHALL BE PLACED IN A CONVENIENT LOCATION AT A SAFE DISTANCE FROM THE BURNER. WITH ELECTRICALLY DRIVEN EQUIPMENT THIS MAY BE ACCOMPLISHED BY AN IDENTIFIED SWITCH IN THE BURNER SUPPLY CIRCUIT, PLACED NEAR THE ENTRANCE TO THE ROOM WHERE THE BURNER IS LOCATED. (REF. NFIPA NO. 31-1968).

ARTICLE 230-SERVICES

SECTION 230-71 MAXIMUM NUMBER OF DISCONNECTS:

SECTION 230-71 OF THE NEC SHALL BE INTERPRETED TO LIMIT THE NUMBER OF DISCONNECTS FOR EACH SERVICE DROP OR LATERAL TO A MAXIMUM OF [SIX] 6.

SECTION 230-98 AVAILABLE SHORT-CIRCUIT CURRENT:

SERVICE EQUIPMENT AND ITS OVERCURRENT PROTECTIVE DEVICES SHALL HAVE A SHORT-CIRCUIT CURRENT RATING NOT LESS THAN THE AVAILABLE SHORT-CIRCUIT CURRENT AT ITS SUPPLY TERMINALS.

IN CONJUNCTION WITH SECTION 230-98, THE REQUIREMENTS OF SECTIONS 110-9 AND 110-10 MUST BE COMPLIED WITH.

ARTICLE 250-GROUNDING

[SECTION 250-81 WATER PIPE ELECTRODE:

IN ADDITION TO THE WATER PIPE ELECTRODE, ONE ADDITIONAL ELECTRODE COMPLYING WITH THE REQUIREMENTS OF SECTIONS 250-82 (A), 250-82 (B) OR 250-83 OF THE NEC SHALL BE PROVIDED.

SECTION 250-82. OTHER AVAILABLE ELECTRODES:]

SECTION 250-81 GROUNDING ELECTRODE SYSTEM:

IN ADDITION TO THE WATER PIPE ELECTRODE, 250-81(A), AN ADDITIONAL ELECTRODE COMPLYING WITH THE REQUIREMENTS OF SECTIONS 250-81(B), 250-81(C), [or] 250-81(D), or 250-83 OF THE NEC SHALL BE PROVIDED.

SECTION 250-83. MADE AND OTHER ELECTRODES:

GAS PIPING, AND OTHER METALLIC PIPING AND TANKS CONTAINING FLAMMABLE LIQUIDS, SHALL NOT BE USED AS GROUNDING ELECTRODES.

ARTICLE 305-TEMPORARY WIRING

SECTION [305-4] 305-6 THE FOLLOWING SPECIAL PROVISIONS SHALL APPLY TO TEMPORARY OUTDOOR WIRING FOR CARNIVALS, OUTDOOR ASSEMBLIES AND THE LIKE:

(A) CONDUCTORS. ALL CONDUCTORS USED IN AREAS WHERE THE PUBLIC HAS ACCESS SHALL BE ELEVATED TO A HEIGHT OF [TEN (10)] 10 FEET AT THE LOWEST POINT OF SPANS, OR SHALL BE BURIED TO A DEPTH OF AT LEAST [SIX (6)] 6 INCHES. CONDUCTORS SHALL BE OF A TYPE APPROVED FOR THE PURPOSE.

(B) JUNCTION BOXES. TAPS AND CONNECTIONS MADE WITHIN [EIGHT (8)] FEET OF THE GROUND SHALL BE MADE IN JUNCTION BOXES [WHICH SHALL BE] CAPABLE OF BEING LOCKED AND SHALL BE KEPT LOCKED AT ALL TIMES WHEN THE PUBLIC IS ON THE GROUNDS. IF JUNCTION BOXES ARE OF METAL THEY SHALL BE GROUNDED.

(C) SWITCHES. SWITCHES FOR CONTROL OF INDIVIDUAL SHOWS, TENTS, BOOTHS AND SIMILAR STRUCTURES SHALL BE OF THE TOTALLY ENCLOSED TYPE AND BE EXTERNALLY OPERABLE. SWITCHES SHALL BE LOCATED INSIDE OF TENTS, BOOTHS AND SIMILAR STRUCTURES AND SUCH SWITCHES SHALL BE MOUNTED [SIX (6)] 6 FEET ABOVE THE FLOOR OR GRADE AND SHALL OPEN ALL CONDUCTORS SIMULTANEOUSLY.

(D) EQUIPMENT GROUNDING. ALL RIDES, AMUSEMENTS, BOOTHS, TRUCK BODIES, OR REFRIGERATION OR HEATING EQUIPMENT EMPLOYING ELECTRICITY FOR POWER OR LIGHTING SHALL HAVE ALL METAL PARTS ADEQUATELY GROUNDED BY ONE OF THE STANDARD FORMS OF MADE ELECTRODES.

(E) LOCATION OF EQUIPMENT. RIDES SUCH AS FERRIS WHEELS, LOOP-A-PLANES OR OTHER SIMILAR PARK EQUIPMENT, SHALL BE NO CLOSER THAN [TEN (10)] 10 FEET TO ANY OVERHEAD WIRING, EITHER HIGH TENSION OR SECONDARY, AT ANY POINT OF THEIR OPERATION. PORTABLE TRANSFORMERS OR GENERATOR WAGONS AND OTHER SUCH PORTABLE EQUIPMENT SHALL BE SO LOCATED AND GUARDED AS TO KEEP THE PUBLIC SAFELY AWAY FROM THEM.

(F) ELECTRIC LAMPS. ELECTRICAL FIXTURES SHALL BE SO INSTALLED THAT LAMPS ARE KEPT AT LEAST [EIGHT (8)] 8 INCHES AWAY FROM TENT CANVAS OR OTHER COMBUSTIBLE MATERIALS.

(G) OPERATION. IT SHALL BE THE RESPONSIBILITY OF THE MANAGEMENT OF THE SHOW TO EXAMINE AND KEEP ELECTRICAL INSTALLATIONS IN SAFE REPAIR BEFORE THE PUBLIC IS ADMITTED TO THE GROUNDS AND AT ALL [OTHER] TIMES WHEN THE PUBLIC IS ON THE GROUNDS.

ARTICLE 518-PLACES OF ASSEMBLY

SECTION 518-3 WIRING METHODS:

EXCEPTION NO. 1 SHALL BE OMITTED. (NONMETALLIC-SHEATHED CABLE, TYPE A C METAL-CLAD CABLE, AND RIGID NONMETALLIC CONDUIT SHALL NOT BE PERMITTED TO BE INSTALLED IN PLACES OF ASSEMBLY.)

ARTICLE 600-ELECTRIC SIGNS AND OUTLINE LIGHTING

SECTION 600-2 DISCONNECT REQUIRED:

WHERE A SIGN IS SUPPORTED ON THE OUTSIDE OF A BUILDING, THE SWITCH REQUIRED BY NEC 600-2 SHALL BE MOUNTED ADJACENT TO THE SIGN ON THE OUTSIDE OF THE BUILDING.

ARTICLE 700-EMERGENCY SYSTEMS

SECTION 700-1 SCOPE:

THE PROVISIONS OF THIS ARTICLE APPLY TO THE INSTALLATION, OPERATION AND MAINTENANCE OF CIRCUITS, SYSTEMS AND EQUIPMENT INTENDED TO SUPPLY ILLUMINATION AND POWER IN THE EVENT OF FAILURE OF THE NORMAL SUPPLY OR IN THE EVENT OF ACCIDENT TO ELEMENTS OF A SYSTEM SUPPLYING POWER AND ILLUMINATION ESSENTIAL FOR SAFETY TO LIFE AND PROPERTY, WHERE SUCH SYSTEMS ARE LEGALLY REQUIRED BY SECTION [624.4] 824.4 OF THIS CODE, THE STATE, FEDERAL OR OTHER CODES. THE REQUIREMENTS OF THIS ARTICLE DO NOT APPLY TO EMERGENCY SYSTEMS INSTALLED WHEN NOT REQUIRED BY SUCH CODES.

[SECTION 700-6 SYSTEMS:

ONE OF THE SOURCES OF POWER DESCRIBED IN NEC 700-6(A), 700-6(B) or 700-6(E) SHALL BE PROVIDED FOR AN EMERGENCY SYSTEM.]

SECTION 700-12 GENERAL REQUIREMENTS:

ONE OF THE SOURCES OF POWER DESCRIBED IN NEC 700-12(A), 700-12(B), [OR] 700-12(C), OR 700-12(F) SHALL BE PROVIDED FOR AN EMERGENCY SYSTEM. SEE SECTION 618.9.

SECTION [700-6(E)] 700-12(F) UNIT EQUIPMENT: (POWER PACK).

UNIT EQUIPMENT SHALL BE PERMANENTLY FIXED IN PLACE (I.E., NOT PORTABLE) AND SHALL HAVE ALL WIRING TO EACH UNIT INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ANY OF THE WIRING METHODS IN CHAPTER 3. THEY SHALL NOT BE CONNECTED BY FLEXIBLE CORD. IT IS UNDERSTOOD THESE UNITS ARE TO BE CHECKED BY THE [DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT] DEPARTMENT AT LEAST ANNUALLY AND IN CASE OF RECURRING FAILURES ON TESTS, A SEPARATE SYSTEM MUST BE INSTALLED.

ARTICLE 760 – FIRE PROTECTION SIGNALING SYSTEMS

SECTION 760-1 SCOPE:

THE REQUIREMENTS OF THIS ARTICLE APPLY TO SUCH FIRE ALARM SYSTEMS AS ARE REQUIRED TO BE INSTALLED BY SECTIONS [1216.0 AND 1217.0] 1716.0 AND 1717.0 OF THIS CODE. THESE REQUIREMENTS ARE IN ADDITION TO THOSE OF SECTION 760. FIRE ALARM SYSTEMS WHICH ARE NOT REQUIRED BY SECTIONS [1216.0 AND 1217.0] 1716.0 AND 1717.0 NEED NOT CONFORM TO THESE REQUIREMENTS, BUT, IF THEY DO NOT, THEY SHALL CONFORM TO THE REQUIREMENTS OF NEC 725.

SECTION 760-8 POWER SUPPLY, EQUIPMENT AND TESTING:

(a) POWER SUPPLY OF FIRE ALARMS.

A SECONDARY POWER SUPPLY FOR THE FIRE ALARM SYSTEM SHALL BE PROVIDED FROM AN EMERGENCY ELECTRICAL SYSTEM WHICH SHALL BE EITHER AN APPROVED STORAGE BATTERY OR GENERATOR.

(B) SENDING STATIONS.

SENDING STATIONS SHALL BE APPROVED FOR THE PURPOSE AND SHALL BE MOUNTED WITH THE LOWER EDGE OF THE BOX NOT MORE THAN [FOUR (4)] 4 FEET ABOVE THE FLOOR. SENDING STATIONS SHALL BE CONSPICUOUSLY LOCATED, READILY ACCESSIBLE AND IN THE NATURAL PATH OF ESCAPE FROM FIRE. A SUFFICIENT NUMBER OF STATIONS SHALL BE INSTALLED SO THAT IT SHALL

NOT BE NECESSARY TO TRAVEL MORE THAN [TWO HUNDRED (200)] 200 FEET TO REACH A STATION. THERE SHALL BE AT LEAST [ONE (1)] 1 STATION ON EACH FLOOR. ALL SENDING STATIONS SHALL BE FINISHED IN BRIGHT RED AND SHALL HAVE DIRECTIONS FOR OPERATING IN RAISED LETTERS CAST INTEGRAL WITH THE HOUSING. THE LETTERING SHALL BE FINISHED WITH A CONTRASTING COLOR. CODED SENDING STATIONS SHALL BE EITHER OF THE ENCLOSED PULL-LEVER OR THE BREAK-GLASS-PULL-LEVER TYPE HAVING THE CODE NUMBER OF THE STATION PLAINLY MARKED ON A METAL PLATE PERMANENTLY SECURED TO THE FRONT OF THE STATION. THEY SHALL SEND NOT LESS THAN [FOUR (4)] 4 ROUNDS OF A DEFINITE CODE OF SIGNALS TO INDICATE THE STATION FROM WHICH THE ALARM IS SENT. THE MECHANISM SHALL BE SO DESIGNED THAT WHEN ONCE STARTED THE PROPER TRANSMISSION OF A COMPLETE SET OF SIGNALS CANNOT BE INTERFERED WITH BY AGAIN MANIPULATING THE STARTING DEVICE OF THAT STATION. NON-INTERFERENCE STATIONS MAY ALSO BE USED. SENDING STATIONS OF THE PREWOUND TYPE ARE PROHIBITED.

(C) SOUNDING DEVICES.

SOUNDING DEVICES SHALL BE APPROVED FOR THE PURPOSE AND SHALL BE MOUNTED AT LEAST [EIGHT (8)] 8 FEET ABOVE THE FLOOR WHERE CEILING HEIGHTS WILL PERMIT AND IN OTHER CASES AS NEAR THE CEILING AS POSSIBLE. THEY SHALL BE LOCATED CENTRALLY ACCORDING TO THE AREA SERVED AND SHALL BE SPACED NOT MORE THAN [TWO HUNDRED (200)] 200 FEET APART. THERE SHALL BE AT LEAST [ONE (1)] 1 SOUNDING DEVICE ON EACH FLOOR EXCEPT BY SPECIAL PERMISSION OF THE BUILDING OFFICIAL. WHERE NECESSARY, SOUNDING DEVICES SHALL BE ADEQUATELY PROTECTED FROM MECHANICAL INJURY. FIRE ALARM SOUNDING DEVICES SHALL HAVE A SOUND DISTINCTIVE IN PITCH AND QUALITY FROM ALL OTHER SOUNDING DEVICES USED IN THE SAME AREA.

(D) TESTING.

AN APPROVED MEANS OF TESTING FIRE ALARM SYSTEMS SHALL BE PROVIDED.

[1700.1] 2200.1 SCOPE: THE DESIGN AND INSTALLATION OF PLUMBING SYSTEMS INCLUDING SANITARY AND STORM DRAINAGE, SANITARY FACILITIES, WATER SUPPLIES AND STORM WATER AND SEWAGE DISPOSAL IN BUILDINGS SHALL COMPLY WITH [THE BALTIMORE CITY PLUMBING CODE] THIS CODE. "THIS CODE", WHEREVER IT APPEARS IN THIS ARTICLE [17] 22, SHALL BE UNDERSTOOD TO MEAN [THE BALTIMORE CITY PLUMBING CODE AND THIS ARTICLE 17] THIS PLUMBING AND DRAINAGE WORK (PLUMBING CODE), 1975, AS AMENDED.

[1701.1] 2201.1 Licenses: No [individual] person shall engage in the business of plumbing and no person shall be engaged in any plumbing work whatsoever unless certified to do so as provided for in the Annotated Code of Maryland.

Exception: The installation of on-site utility facilities, including the building sewer, building storm sewer and water service pipe, shall be performed by a licensed master plumber or a licensed on-site utility contractor.

[1701.2] 2201.2 Supervision of work: No [individual, firm, partnership or corporation] person shall engage in the business of installing, repairing or altering plumbing unless the plumbing work performed in the course of such business is under the direct supervision of a licensed master plumber.

Exception: The installation of on-site utility facilities by a licensed on-site utility contractor.

~~2201.5 On-site utility contractor's license: A person who has 2 or more years' experience in the installation of underground sewer, storm sewer and water service pipe utilities satisfactory to the building official and/or has a current, valid on-site utility contractor's license or equivalent issued by another Maryland jurisdiction may apply for a Baltimore City on-site utility contractor's license on a form to be provided by the building official. The license shall be granted upon payment of a fee of \$75. Each license shall be issued for a period of up to 1 year and shall expire on December 31 of each year. An application for renewal shall be filed with the building official no later than November 30 of each year.~~

~~Every person, before receiving an on-site utility contractor's license, shall make, execute and deliver to the building official a good and sufficient bond to be approved by the building official, in the name of the City of Baltimore, in the sum of \$1000, said bond to be conditioned upon the faithful performance of any and all work entered upon or contracted for by said on-site utility contractor and to save harmless the City and the owner or real party in interest of the property for which any material is furnished or services performed, against loss, failure to use suitable material or to properly perform any work contracted for or undertaken by said on-site utility contractor, or agent or employee; and an action may be maintained thereon in the name of the City or such owner or real party in interest, only if commenced within 1 year from and after the date of the installation of the material or performance of such work or service.~~

[1702.1] 2202.1 Permits: No plumbing work, unless excepted in this code, shall be undertaken prior to the issuance of a permit by the building official. Permits shall be issued to master plumbers only.

Exception: Permits for on-site utility facilities may be issued to on-site utility contractors licensed in accordance with this code.

[1705.1] 2205.1 INSPECTION: THE BUILDING OFFICIAL DURING THE COURSE OF CONSTRUCTION AND UPON COMPLETION, SHALL HAVE THE RIGHT TO INSPECT THE PLUMBING SYSTEM OF THE PREMISES AND TO MAKE A WRITTEN REPORT [MADE] OF EVERY SUCH INSPECTION. THESE INSPECTIONS SHALL TAKE PLACE BEFORE ANY OF THE PIPES, FIXTURES, OR CONNECTIONS HAVE BEEN COVERED UP OR ENCLOSED FROM VIEW.

SECTION 2206.0 REQUIRED PLUMBING FIXTURES

2206.1 Minimum facilities: *Every building shall contain a sufficient number of toilet facilities and drinking fountains to conform to the requirements for various occupancies specified in Table 7.22.1 of the Baltimore City Plumbing Code. Such required sanitary facilities shall be located so that the maximum distance of travel does not exceed 500 feet and so they will be accessible without having to go up or down a vertical distance of more than one story, or having to go outside of the enclosure of the building.*

[1800.5 Conflicting Laws: Nothing herein contained shall be deemed to nullify any provisions of the zoning laws or any other ordinance or legally adopted rule pertaining to building construction of the City of Baltimore in respect to the location, use, height or area of a building and type of construction except as may be specifically exempted in these provisions; nor shall anything herein contained have the effect of increasing working stresses or reducing egress facilities and health provisions as prescribed in this Code.]

[M-1003.13 Story, cellar or basement: In every story, cellar or basement of all buildings where there is not provided at least twenty (20) square feet of opening entirely above the adjoining grade level in each fifty (50) lineal feet of exterior wall in the story, cellar or basement, on at least two (2) sides of the building. Openings shall have a minimum dimension of not less than twenty-two (22) inches. Such openings shall be unobstructed to allow fire fighting and rescue operations from the exterior.

Exception: If the area of a cellar exceeds two thousand, five hundred (2,500) square feet, an automatic fire suppression system is required.

For purposes of this section, an opening in an exterior wall qualifies as follows:

1. Doors or access panels may be included in the determination of openings; and

2. Windows may be included in the determination of openings if they provide a breakable glazed area of not less than twenty-two (22) inches in its least clear dimension.

3. In every educational building (use group A-4) containing a room or space used for classroom or other educational purposes or normally subject to student occupancy which does not have at least one (1) window opening to the outside and suitable for emergency rescue use. In lieu of the window requirements specified above in this section, a window suitable for emergency rescue use in educational buildings shall be openable from the inside without the use of tools, provide a clear opening of not less than twenty (20) inches in width, twenty-four (24) inches in height and five and seven tenths (5.7) square feet in area, and the bottom of the opening shall be not more than forty-four (44) inches above the floor.]

[M-1003.16 Furnace rooms: In furnace rooms, boiler rooms and rooms for similar uses.

Exceptions:

1. Such room located entirely within and serving a single dwelling unit.

2. Rooms, other than those containing a boiler as defined in Section 201.0 of the Building Code of Baltimore City, constructed so as to provide not less than one (1) hour separation from all other portions of the building.]

SEC. 9. *And be it further ordained*, That the Director of the Department of Legislative Reference is hereby authorized to publish The Baltimore City Building Code with amendments and changes as provided for and authorized by this Ordinance; and the Director is further authorized to change the numbers of section headings, and article, section and subsection references in the 1982 Official Supplement to the Building Code of Baltimore City to conform to section headings, and article, section and subsection references contained in the BOCA Basic/National Building Code, 9th Edition, 1984, the BOCA Basic/National Mechanical Code, 5th Edition, 1984, and the CABO Model Energy Code, 1983 Edition.

SEC. 10. *And be it further ordained*, That Article 32 of the Baltimore City Code as adopted by this Ordinance, consisting of the BOCA Basic/National Building Code, 9th Edition, 1984, the BOCA Basic/National Mechanical Code, 5th Edition, 1984, and the CABO Model Energy Code, 1983 Edition, and the Baltimore City Building Code as edited and published by the Department of Legislative Reference ~~are~~ IS legalized and shall be deemed and taken in all the courts of the State of Maryland and by all public officials of the State and of its several subdivisions to be evidence of Article 32 of the Baltimore City Code—the Building Code of Baltimore City.

SEC. 11. *And be it further ordained*, That the provisions of this ordinance shall apply to building operations for which a permit application is filed on or subsequent to the effective date of this ordinance.

SEC. 12. *And be it further ordained*, That, except as expressly provided to the contrary in this ordinance, any transaction, case, proceeding, investigation or any other matter validly entered into before the effective date of this ordinance, affected by or flowing from any ordinance amended or repealed herein, and any right, duty or interest flowing from any ordinance amended or repealed herein, remains valid after the effective date of this ordinance and may be terminated, completed, enforced, or prosecuted as required or permitted by any ordinance amended; or repealed by this ordinance as though the amendment or repeal has not occurred. If any change in nomenclature involves a change in name or designation of any City ~~agent~~ AGENCY or official, the successor agency or official shall be considered in all respects as having the powers and obligations granted the former one.

SEC. 13. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved December 27, 1985

WILLIAM DONALD SCHAEFER, Mayor.

No. 577

(Council No. 927)

AN ORDINANCE concerning

FIRE PREVENTION CODE OF BALTIMORE CITY

FOR the purpose of adopting with certain amendments, deletions, and additions, the BOCA Basic/National Fire Prevention Code, 6th Edition, 1984, with Appendices A through C, and the 1982 Official Supplement to the Fire Prevention Code of Baltimore City, as amended, as the Fire Prevention Code of Baltimore City Article 9 of the Baltimore City Code; redesignating the 1982 Official Supplement to the Fire Prevention Code of Baltimore City as the ~~Baltimore City Fire Prevention Code, 1985 Edition~~ 1985 OFFICIAL SUPPLEMENT TO THE FIRE PREVENTION CODE OF BALTIMORE CITY; authorizing the Director of the Department of Legislative Reference to renumber section headings, AND article, section, and subsection references to conform to the numbering system in the BOCA Basic/National Fire Prevention Code, 6th Edition, 1984, with Appendices A through C; providing for the effect, construction and effective date of this Ordinance; and generally relating to the adoption and revision of the Fire Prevention Code of Baltimore City.

BY repealing

Article 9—Fire Department and Fire Code

Subtitle—Fire Prevention Code as adopted by Ordinance No. 723, 1982

BY adopting

Article 9—Fire Department and Fire Code

Subtitle— Fire Prevention Code, consisting of: the BOCA Basic/National Fire Prevention Code, 6th Edition, 1984, with Appendices A through C, ~~the 1982 AND THE 1985 Official Supplement to the Fire Prevention Code of Baltimore City, to be redesignated as the Baltimore City Fire Prevention Code, 1985 Edition~~ CITY.

SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore City,* That the Fire Prevention Code of Baltimore City, adopted by Ordinance No. 723, 1982, be and the same is hereby repealed.

SEC. 2. *And be it further ordained,* That the BOCA Basic/National Fire Prevention Code, 6th Edition, 1984, with Appendices A through C, and the ~~1982~~ 1985 Official Supplement to the Fire Prevention Code of Baltimore City, ~~as amended,~~ be and they are adopted as the Fire Prevention Code of Baltimore City, Article 9 of the Baltimore City Code.

SEC. 3. *And be it further ordained,* That the 1982 Official Supplement to the Fire Prevention Code of Baltimore City, and amendments contained herein and changes as authorized herein, are hereby designated as the ~~Baltimore City Fire Prevention Code~~ 1985 OFFICIAL SUPPLEMENT TO THE FIRE PREVENTION CODE OF BALTIMORE CITY.

SEC. 4. *And be it further ordained*, That the following sections of the BOCA Basic/National Fire Prevention Code, 6th Edition, 1984, with Appendices A through C, of the Fire Prevention Code of Baltimore City hereby being adopted, are hereby repealed: F-100.1, F-101.1, F-102.2, F-102.2.2, F-102.3, F-102.5, F-103.2, F-103.3, F-103.7, F-104.0 in its entirety, F-105.3, F-105.4, F-105.5, F-105.5.1, ~~F-105.2~~ F-105.5.2, F-106.2, F-106.4, F-107.0 in its entirety, F-201.0 ("Definitions" – the following terms only: Fire Official and Owner), F-311.2, F-314.1, F-402.1, F-411.0 in its entirety, F-502.2, F-504.5, F-1201.4, F-1500.4, F-1504.3, F-1602.2, F-2800.2, F-3000.2, F-3003.1

SEC. 5. *And be it further ordained*, That the following new sections are hereby added to the ~~Baltimore City Fire Prevention Code~~ 1985 OFFICIAL SUPPLEMENT TO THE FIRE PREVENTION CODE OF BALTIMORE CITY: F-102.2, F-102.8.1, F-103.2, F-308.4, F-308.4.1, F-314.1, F-315.0 in its entirety, ~~F-402.1~~ F-316.0, F-402.1, F-402.4, F-411.4, F-411.5, F-411.6, F-411.7, F-502.2, F-504.5, F-1201.4, F-1500.4, F-1500.4.3, F-1602.2, F-3000.2, F-3003.1.

SEC. 6. *And be it further ordained*, That the following sections of the 1982 Official Supplement to the Fire Prevention Code of Baltimore City, are hereby repealed: F-103.7, F-409.5, F-1403.3, F-1604.2.1.

SEC. 7. *And be it further ordained*, That the following sections of the 1982 Official Supplement to the Fire Prevention Code of Baltimore City, are hereby repealed and replaced: ~~Article 2, Section 201.0 – Definitions~~ F-104.2, ARTICLE 2, SECTION F-201.0 – DEFINITIONS, F-1600.4.3.

SEC. 8. *And be it further ordained*, That the following sections of the 1982 Official Supplement to the Fire Prevention Code of Baltimore City, are hereby repealed and reordained with amendments: F-100.3, ~~F-105.5.1, F-409.1~~ F-102.5, F-102.10, F-105.3, F-105.5, F-105.5.1, F-105.6, F-311.2, F-409.1, F-2900.2.

F-100.3 Periodic review of the code: Commencing [two (2)] 3 years from the effective date of ~~this code~~ THE BOCA BASIC/NATIONAL FIRE PREVENTION CODE, 6TH EDITION, 1984, and every third year thereafter, it shall be the responsibility of the fire official to review the most current edition of the BOCA Basic/National Fire Prevention Code. ~~It shall be the duty of the fire official to~~ THE FIRE OFFICIAL SHALL report to the City Council COUNCIL [, no later than ninety (90) days from said date,] whether the Fire Department desires to retain this code or to recommend the adoption of the most current edition as the Fire Prevention Code of Baltimore City.

F-102.2 – Inspections: The fire official shall inspect all structures and premises as often as ~~may be~~ necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, ~~endanger life~~ OR ENDANGER LIFE, or any violations of the provisions or intent of this ~~Code~~ CODE, or any other ordinance affecting fire safety.

F-102.5 ADMINISTRATIVE LIABILITY: THE FIRE OFFICIAL, [OFFICER] AGENT OR EMPLOYEE CHARGED WITH THE ADMINISTRATION AND ENFORCEMENT OF THIS CODE, WHILE ACTING FOR THE

JURISDICTION, SHALL NOT THEREBY [RENDER HIMSELF] BE RENDERED LIABLE PERSONALLY, AND [HE] IS HEREBY RELIEVED FROM ALL PERSONAL LIABILITY FOR ANY DAMAGE THAT MAY ACCRUE TO PERSONS OR PROPERTY AS A RESULT OF ANY ACT REQUIRED OR PERMITTED IN THE DISCHARGE OF [HIS] OFFICIAL DUTIES. ANY SUIT INSTITUTED AGAINST ANY [OFFICER] SUCH OFFICIAL, AGENT OR EMPLOYEE BECAUSE OF AN ACT PERFORMED [BY HIM] IN THE LAWFUL DISCHARGE OF [HIS] DUTIES AND UNDER THE PROVISIONS OF THIS CODE SHALL BE DEFENDED BY THE [LEGAL REPRESENTATIVE OF THE JURISDICTION] OFFICE OF THE CITY SOLICITOR. THE FIRE OFFICIAL OR ANY [OF HIS SUBORDINATES SHALL NOT BE LIABLE FOR COSTS IN ANY ACTION, SUIT OR PROCEEDING THAT MAY BE INSTITUTED IN PURSUANCE OF THE EMPLOYEE] AGENT OR EMPLOYEE, ACTING IN GOOD FAITH AND WITHOUT MALICE, SHALL BE FREE FROM LIABILITY FOR ACTS PERFORMED UNDER ANY [OF ITS PROVISIONS] PROVISION OF THIS CODE OR BY REASON OF ANY ACT OR OMISSION IN THE PERFORMANCE OF [HIS] OFFICIAL DUTIES IN CONNECTION THEREWITH, AND SHALL NOT BE LIABLE FOR COSTS IN ANY ACTION, SUIT, OR PROCEEDING INSTITUTED PURSUANT TO THE PROVISIONS OF THIS CODE.

102.8.1 GENERAL POWER TO IMPOSE FEES FOR NON-FIRE SUPPRESSION SERVICES. THE DIRECTOR OF FINANCE MAY ESTABLISH A FEE SCHEDULE FOR NON-FIRE SUPPRESSION SERVICES PERFORMED BY THE FIRE DEPARTMENT. THE FEE SCHEDULE PROVIDED FOR IN THIS SECTION SHALL BE REVIEWED BY THE DIRECTOR OF FINANCE ANNUALLY AND THE DIRECTOR OF FINANCE SHALL BASE THE COST OF THE FEES ON THE EXPENSE INCURRED BY THE FIRE DEPARTMENT IN PERFORMING NON-FIRE SUPPRESSION SERVICES.

F-102.10 LIABILITY FOR COST OF [REMEDIAL] ACTION: IN ANY AND ALL CASES WHERE THE FIRE OFFICIAL TAKES ACTION IN ACCORDANCE WITH SECTIONS F-102.8, F-102.8.1, OR F-102.9 THE ENTIRE AMOUNT OF ALL EXPENSES INCURRED OR FEES IMPOSED BY THE FIRE OFFICIAL IN AVOIDING, CORRECTING OR REMOVING SUCH DANGEROUS CONDITION OR PERFORMING NON-FIRE SUPPRESSION SERVICES SHALL BECOME A DEBT, JOINTLY AND SEVERALLY DUE AND OWING, BY EACH AND EVERY OWNER OF THE PREMISES, BUILDING OR OTHER STRUCTURE WHEREON OR WHEREIN THE [DANGEROUS] CONDITION EXISTED, TO THE MAYOR AND CITY COUNCIL OF BALTIMORE, AND ANY SUCH DEBT SHALL BE IMMEDIATELY DUE AND OWING TO THE MAYOR AND CITY COUNCIL OF BALTIMORE UPON THE COMPLETION OF THE WORK OR OPERATION. THE AFORESAID DEBT SHALL BE COLLECTED IN THE SAME MANNER AS ANY DEBT DUE AND OWING TO THE MAYOR AND CITY COUNCIL OF BALTIMORE. IN ADDITION, UPON THE COMPLETION OF SUCH WORK A LIEN IN FAVOR OF THE MAYOR AND CITY COUNCIL OF BALTIMORE SHALL ATTACH TO THE PREMISES UPON WHICH SAID WORK WAS DONE AND SHALL CONTINUE UNTIL THE MAYOR AND CITY COUNCIL

OF BALTIMORE HAS BEEN REIMBURSED FOR THE AMOUNT OF THE EXPENSE OF SUCH WORK.”

F-103.2 – Permits required; FEES: Permits shall be obtained from the fire official. A PERMIT SHALL NOT BE ISSUED UNTIL THE DESIGNATED FEES ARE PAID. Permit fees required by this Code shall be established by the Director of Finance, who shall review the Permit Fee Schedule annually and shall base the cost of a **BASE THE** *permit fee on the expense incurred by the Fire Prevention Bureau in processing PERMIT applications and in conducting inspections of the work.*

F-104.2 APPEALS FROM HEARINGS: ANY PERSON WHO DISAGREES WITH OR IS AGGRIEVED BY ANY ORDER OR DECISION OF THE BOARD ISSUED SUBSEQUENT TO THE HEARING PROCEDURE SPECIFIED HEREIN, MAY INSTITUTE, WITHIN 30 DAYS OF THE ISSUANCE OF SUCH ORDER OR DECISION, IN THE CIRCUIT COURT FOR BALTIMORE CITY APPROPRIATE LEGAL PROCEEDINGS CONCERNING SUCH ORDER OR DECISION. IN ANY SUCH LEGAL ACTION, INDIVIDUAL MEMBERS OF THE BOARD SHALL NOT BE NAMED AS DEFENDANTS. AN APPEAL SHALL NOT STAY CRIMINAL OR EQUITABLE PROCEEDINGS UPON THE ORDER OR DECISION APPEALED FROM, OR PREVENT THE FIRE OFFICIAL OR BUILDING OFFICIAL FROM PURSUING ANY OTHER ACTION OR ENFORCEMENT PROCEDURE AUTHORIZED BY LAW.

F-105.3 UNSAFE BUILDINGS: ALL BUILDINGS AND STRUCTURES THAT ARE OR HEREAFTER BECOME UNSAFE, DANGEROUS TO HUMAN LIFE OR THE PUBLIC WELFARE, OR WHICH CONSTITUTE A FIRE HAZARD, ARE DEFICIENT IN ADEQUATE EXITWAY FACILITIES, HAVE SUSTAINED STRUCTURAL DAMAGE BY FIRE, EXPLOSION OR NATURAL DISASTER, OR SUFFER ILLEGAL OR IMPROPER USE, OCCUPANCY OR MAINTENANCE, SHALL BE DEEMED UNSAFE BUILDINGS OR STRUCTURES. A VACANT BUILDING, OR PORTION OF A BUILDING, UNGUARDED OR OPEN AT DOOR OR WINDOW SHALL BE DEEMED A FIRE HAZARD AND UNSAFE WITHIN THE MEANING OF THIS CODE. THE FIRE OFFICIAL SHALL EITHER ISSUE A VIOLATION NOTICE AND PROCEED IN ACCORDANCE WITH THIS CODE OR REPORT SUCH UNSAFE BUILDING TO THE BUILDING OFFICIAL WHO SHALL TAKE APPROPRIATE ACTION DEEMED NECESSARY UNDER THE PROVISIONS OF THE BUILDING CODE TO SECURE ABATEMENT [BY REPAIR AND REHABILITATION OR BY DEMOLITION.]

F-105.5 FAILURE TO CORRECT VIOLATIONS: IF THE NOTICE OF VIOLATION IS NOT COMPLIED WITH WITHIN THE TIME SPECIFIED [BY], THE FIRE OFFICIAL [, HE] MAY TAKE ACTION PURSUANT TO THE SECOND [PARAGRAPH] SENTENCE OF SECTION F-102.8 AND/OR REQUEST THE OFFICE OF THE STATE'S ATTORNEY OR THE CITY SOLICITOR OF BALTIMORE CITY TO INSTITUTE [THE] APPROPRIATE LEGAL PROCEEDINGS TO RESTRAIN, CORRECT, OR ABATE SUCH VIOLATION OR TO REQUIRE REMOVAL OR TERMINATION OF THE UNLAWFUL USE OF THE BUILDING OR STRUCTURE IN VIOLATION

OF [THE PROVISIONS OF] THIS CODE OR OF ANY ORDER OR DIRECTION MADE PURSUANT THERETO. THE [POLICE DEPARTMENT OF THE JURISDICTION MAY BE REQUESTED BY THE FIRE OFFICIAL] [FIRE OFFICIAL MAY REQUEST THE BALTIMORE CITY POLICE DEPARTMENT TO MAKE ARREST FOR ANY [OFFENSE AGAINST] VIOLATION OF THIS CODE OR [ORDERS] ORDER OF THE FIRE OFFICIAL AFFECTING THE IMMEDIATE SAFETY OF THE PUBLIC.

F-105.5.1 Penalty for violations: Any person violating any provision of this code or failing to comply with any order, notice, decision, permit or regulation issued pursuant ~~to any provision thereof~~ THERETO, shall be guilty of a misdemeanor and upon conviction thereof, except where a different penalty is specifically provided by this code, shall be punished by a fine of at least [ten dollars (\$10.00)] ~~\$50~~ and not more than [one hundred dollars (\$100.00)] ~~\$200~~ \$500 or imprisoned not more than [ten (10)] 10 days, or both. ~~Each~~ EXCEPT AS SET FORTH IN THE PROVISIONS OF THIS CODE GOVERNING CITATION, EACH day that a violation continues after a service of notice as provided for in this code shall be deemed a separate offense.

F-105.6 COMPLAINTS: COMPLAINTS SHALL INCLUDE ANY AND ALL WRITTEN OR ORAL COMPLAINTS OR INFORMATION PERTAINING TO ANY AND ALL MATTERS OR THINGS PROVIDED FOR BY THIS CODE. A RECORD SHALL BE MADE OF ANY AND ALL COMPLAINTS RECEIVED BY THE FIRE DEPARTMENT, AND SUCH RECORD SHALL BE PROPERLY FILED IN [THE] FIRE DEPARTMENT HEADQUARTERS. EVERY [WRITTEN, SIGNED] COMPLAINT RECEIVED AT [THE] FIRE DEPARTMENT HEADQUARTERS SHALL BE INVESTIGATED BY THE FIRE OFFICIAL AND ALL FINDINGS WITH RESPECT TO SUCH INVESTIGATION SHALL BE [MADE] STATED IN A WRITTEN REPORT.

[Section F-201.0 Applied meaning of words and terms

Board: The Board of Fire Commissioners.

Fire official: The Chief of the Fire Department of Baltimore City or his duly authorized representative. See Section F-102.1.

High-rise buildings: Those buildings coming within the definition specified in Section 431.1 of the Building Code of Baltimore City.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property.]

Section F-201.0 Applied meaning of words and terms

Board: The Board of Fire Commissioners.

BUILDING CODE: THE BUILDING CODE OF BALTIMORE CITY, ARTICLE 32 OF THE BALTIMORE CITY CODE, AS AMENDED.

Fire official: The Chief of the Fire Department of Baltimore City or A duly authorized representative. See Section F-102.1.

High-rise building: A high-rise building is defined as any building for human occupancy which is either:

1. 75 feet or more in height; or

2. 4 or more stories above grade or over 45 feet in height, and without accessibility on 2 sides of the perimeter of the building by virtue of a publicway. Publicway shall mean a paved thoroughfare over 21 feet wide, located on privately owned and maintained property but designated for public use, or publicly owned and maintained, and which must be kept accessible to the Fire Department at all times. ~~This~~ THE publicway may not be further from the building than will allow the Fire Department aerial equipment to reach 75 feet in height.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property.

F-308.4 – Small appliances: The use of portable kerosene heaters, waste oil heaters, other similar fuel-burning appliances for heating or cooking, CABINET L-P GAS HEATERS, and unvented gas-fired space heaters is prohibited in Baltimore City.

F-308.4.1 – Signs required: Retail merchants and other distributors shall place a sign at all displays of portable kerosene heaters, WASTE OIL HEATERS, other similar fuel-burning appliances for heating or cooking, CABINET LP-GAS HEATERS, AND unvented gas-fired space heaters, ~~cabinet LP-gas heaters, and waste oil heaters~~ with the following wording:

~~"WARNING, THE USE OF THIS DEVICE IS PROHIBITED IN BALTIMORE CITY"~~

WARNING: THE USE OF PORTABLE KEROSENE HEATERS, WASTE OIL HEATERS, OTHER SIMILAR FUEL-BURNING APPLIANCES FOR HEATING OR COOKING, CABINET LP-GAS HEATERS, AND UNVENTED GAS-FIRED SPACE HEATERS IS PROHIBITED IN BALTIMORE CITY.

The word "Warning" shall be at least 4 inches in height and red in color. All other wording shall be at least ~~2 inches in height~~ 3/8 INCHES IN HEIGHT OR 48 POINT TYPE. Background for such signs shall be white and wording, unless otherwise specified, shall be contrasting in color.

F-311.2 Obstructions: Designated fire lanes shall be maintained free of obstructions and vehicles and marked in a manner prescribed by the fire official in accordance with Article 31 – Transit and Traffic – of the Baltimore City Code ([1976 Edition] 1983 Replacement Volume, as amended).

F-314.1 – Required: All buildings having floors used for human occupancy served by elevators traveling 3 floors or 25 feet or more shall have at least 1 elevator in each bank equipped with "emergency controls" as determined by the

fire official, and all elevators shall be equipped with elevator car recall activated by a smoke detector; in each lobby, or the building fire alarm systems. Said elevators shall have the capability of selecting a floor of alternate landing, as determined by the fire official.

Section F-315.0—Marinas

F-315.1—Installation: Before any marina is erected, enlarged, or altered, a permit shall be secured from the building official. Plans and specifications shall be reviewed and approved by the fire official prior to the issuance of the building permit.

F-315.2—Access: Access roads at least 18 feet in width shall be installed to provide access for Fire Department vehicles to all areas of the marina. Whenever marinas are large in size, or so located that other structures or properties are located between the marina area and public streets, access roads shall be connected to public streets in a manner that provides access from 2 directions.

F-315.3—Remote location: Whenever more than 1 access road is required for a marina, they shall be placed as remote from each other as practicable, and shall be arranged and constructed to provide access in separate directions from the public streets so as to minimize the possibility that both may be blocked by any 1 fire or other emergency condition.

F-316.0 FIRE SAFETY SIGNS IN HOTELS

F-316.1 FIRE SAFETY PROCEDURE FOR HOTELS, MOTELS, AND LODGING

HOUSES—NOTICE: ALL HOTELS, MOTELS, AND LODGING HOUSES SHALL POST A NOTICE IN A PROMINENT PLACE IN EACH GUEST ROOM CONTAINING THE FOLLOWING INFORMATION:

- 1. LOCATION OF NEAREST EXITS AND FIRE PULL STATIONS;**
- 2. PROCEDURES TO BE FOLLOWED WHEN THE FIRE OR SMOKE DETECTOR GIVES WARNING SIGNALS; AND**
- 3. PROCEDURES TO BE FOLLOWED IN THE EVENT OF FIRE AND SMOKE DEVELOPMENT**

F.316.2 SIGNS: THE NOTICE SHALL CONFORM TO THE FOLLOWING REQUIREMENTS:

- 1. THE NOTICE SHALL BE POSTED ON THE INTERIOR SIDE OF EACH GUEST ROOM ENTRANCE DOOR AND CENTERED IN THE UPPER ONE-HALF OF THE DOOR. ALTERNATE PROMINENT LOCATIONS WITHIN EACH GUEST ROOM MAY BE ACCEPTABLE SUBJECT TO THE APPROVAL OF THE STATE FIRE MARSHALL OR THE LEGALLY APPOINTED DESIGNEE.**

2. THE NOTICE SHALL BE PRINTED OR TYPED IN CONTRASTING COLORS WITH RESPECT TO THE BACKGROUND COLOR OF THE NOTICE OR THE DOOR, OR BOTH ON WHICH IT IS POSTED.

3. THE NOTICE SHALL CONTAIN THE REQUIRED PRINTED FIRE SAFETY INSTRUCTIONS WITH LETTERS NOT LESS THAN THE FOLLOWING SIZE:

A. TITLE. 3/8 INCH HIGH OR 48 POINT TYPE;

B. SUB-TITLE. 1/4 INCH HIGH OR 24 POINT TYPE;

C. TEXT. 3/16 INCH HIGH OR 10 POINT TYPE.

4. THE NOTICE SHALL INCLUDE A DIAGRAM OF THE BUILDING OR FLOOR WHERE THE PARTICULAR GUEST ROOM IS LOCATED INDICATING THE LOCATION OF THE PARTICULAR GUEST ROOM WITH RESPECT TO THE NEAREST EXITS AND FIRE PULL STATIONS. THE DIAGRAM SHALL BE DRAWN TO A MINIMUM APPROXIMATE SCALE OF 1 INCH EQUAL TO 50 FEET. A DIAGRAM ON THE NOTICE IS NOT NECESSARY FOR ONE-STORY BUILDINGS WHERE GUEST ROOMS HAVE AN EXIT DIRECTLY TO THE EXTERIOR.

5. THE NOTICE SHALL INCLUDE SPECIFIC PROCEDURES FOR NOTIFICATION OF APPROPRIATE MANAGEMENT PERSONNEL AND THE FIRE DEPARTMENT IN EVENT OF A FIRE EMERGENCY.

F-402.1—Fire suppression system: All buildings or portions thereof, shall be equipped with an approved automatic fire suppression system in accordance with the building code.

F-402.4 WINDOW GUARDS—WINDOWS IN THE EXTERIOR WALLS OF SHAFTS SHALL BE PROTECTED BY VERTICAL METAL BARS AT LEAST 5/8 INCH IN DIAMETER AND SPACED NOT OVER 10 INCHES APART, UNLESS, THE SILL OF THE WINDOW IS LESS THAN 5 FEET FROM A FLOOR LANDING OR THE LOWEST TREAD BELOW.

~~[F-400.1]~~ F-409.1 *F-411.1* Smoke detectors required: Each sleeping area within all occupancies classified residential, as defined in Chapter 11 of the National Fire Protection Association Life Safety Code, [1976 Edition] 1981 Edition, shall be provided with a minimum of ~~one~~ 1 approved smoke detector sensing visible or invisible particles of combustion installed in a manner and location approved by the fire official. When activated, the detector shall provide an alarm suitable to warn the occupants.

[The provisions of this section do not apply to dwelling units within existing hotels and multifamily buildings of 10 units or more constructed prior to 1975 which conform with the existing requirements of the Life Safety Code. In all hotels and multifamily buildings with 4 through 9 units constructed prior to 1975, smoke detectors shall be installed by January 1, 1983.]

[F-409.5 Smoke detection installation order: After investigating a fire in any residential dwelling described in Section F-409.4, in the absence of required

smoke detectors, the fire official shall issue to the occupant a smoke detection installation order. Failure to comply with such an order within fifteen days of re-occupancy constitutes a violation and shall be punishable only by a fine not exceeding \$50.]

[F-409.4] F-411.4 ONE, TWO OR THREE FAMILY DWELLINGS. AN OCCUPANT OF A ONE, TWO OR THREE FAMILY RESIDENTIAL DWELLING CONSTRUCTED PRIOR TO JULY 1, 1975 SHALL BE JULY 1, 1982 (1) EQUIP EACH OCCUPANT'S LIVING UNIT WITH A MINIMUM OF ONE APPROVED BATTERY OR AC PRIMARY ELECTRIC POWERED SMOKE DETECTOR AND (2) MAINTAIN THE SMOKE DETECTOR. FAILURE TO COMPLY WITH THIS SECTION MAY NOT BE USED AS A POLICY DEFENSE IN THE SETTLEMENT OF A PROPERTY INSURANCE CLAIM.

[F.409.6] F-411.5 INSTALLATION AND APPROVAL OF SYSTEMS: APPROVED SMOKE DETECTING DEVICES SHALL BE INSTALLED NOT TO EXCEED THE LINEAL OR SQUARE FOOTAGE ALLOWANCES SPECIFIED, BASED ON THE GENERALLY ACCEPTED TEST STANDARDS UNDER WHICH THEY WERE TESTED AND APPROVED.

SMOKE DETECTION SYSTEMS, INCLUDING SPECIALIZED SMOKE DETECTORS FOR THE DEAF AND HEARING-IMPAIRED, SHALL BE APPROVED FOR THE PARTICULAR SYSTEM AND SHALL ONLY BE USED FOR DETECTION AND SIGNALLING IN THE EVENT OF FIRE.

EXCEPT AS PERMITTED UNDER SECTION [F-409.4] 411.4, SMOKE DETECTION SYSTEMS SHALL OPERATE ON AN AC PRIMARY SOURCE OF ELECTRIC POWER. EACH DETECTOR SHALL BE WIRED INTO THE CIRCUIT SERVING THE AREA IN WHICH IT IS LOCATED. SMOKE DETECTION SYSTEMS MAY OPERATE ON APPROVED POWER SUPPLIES OTHER THAN AN AC PRIMARY SOURCE WHEN APPROVED BY THE FIRE OFFICIAL OR BOARD OF FIRE COMMISSIONERS, BUT ONLY WHEN IT IS CLEARLY EVIDENT THAT REASONABLE SAFETY IS SECURED.

[F-409.7] F-411.6 SALE AND INSTALLATION: SALE AND INSTALLATION OF SMOKE DETECTION SYSTEMS AND SPECIALIZED SMOKE DETECTORS FOR THE DEAF AND HEARING-IMPAIRED SHALL BE IN ACCORDANCE WITH STATE OF MARYLAND FIRE PREVENTION CODE REGULATIONS.

APPROVAL SHALL BE OBTAINED FROM THE STATE FIRE MARSHAL BY EVERY MANUFACTURER COMMERCIALY SELLING OR OFFERING FOR SALE SMOKE DETECTION SYSTEMS IN THE STATE. APPLICATION FOR SUCH APPROVAL OF EACH MODEL SHALL BE IN THE MANNER PRESCRIBED BY THE STATE FIRE MARSHAL AND SHALL BE ACCOMPANIED BY A FEE OF \$25.

[F-409.8] F-411.7 EXCEPTION: AN APPROVED AUTOMATIC FIRE SPRINKLER SYSTEM MAY BE INSTALLED IN LIEU OF A SMOKE DETECTION SYSTEM WHEN APPROVED BY THE FIRE OFFICIAL OR BOARD OF FIRE COMMISSIONERS. THIS OPTION SHALL NOT NULLIFY

ANY OTHER REQUIREMENTS OF THIS CODE NOR BE CONSTRUED AS EXEMPTING ANY OCCUPANCY FROM SUCH REQUIREMENTS WHERE CLEARLY APPLICABLE UNDER THE TEXT OF THE CODE.

F-502.2—Exceptions: Locks or fasteners may be installed on egress doors under the following conditions only:

1. In mental, penal or other institutions where the security of inmates is necessary, in which case properly trained supervisory personnel shall be continuously on duty and approved provisions shall be made to safely remove occupants in case of fire or other emergency.

2. In problem security areas, special purpose door alarms or locking devices shall be approved by the fire official prior to installation.

3. In high-rise buildings with stairway doors connected to the fire alarm system and arranged in accordance with the building code.

F-504.5—Elevator warning signs: All elevator lobby call stations on all floor levels shall be marked with approved signs reading as follows: "Use Stairway in Case of Fire—DO NOT USE ELEVATOR". The requirements of this section shall apply to existing as well as new buildings.

NOTE EXCEPTION: Signs complying with State Elevator Standards will be accepted as complying with this section.

F-1201.4—The use of sulphur candles for fumigating private residences is prohibited, unless specifically approved by the fire official.

[F-1403.3 Small appliances: Small heating and cooking appliances shall be installed as specified in NFPA 31, listed in Appendix B. The use of portable kerosene stoves, other similar fuel-burning appliances for heating or cooking and unvented gas-fired space heaters is prohibited in Baltimore City.]

F-1500.4—Posting of occupant load: Each room or space within a place of assembly or education shall be posted with an approved legible sign in contrasting colors, conspicuously located near the main exit from the room or space, stating the number of occupants permitted within such room or space. The number of occupants permitted shall be determined by the building code, ~~or~~ UNLESS OTHERWISE SPECIFIED by any rules and regulations adopted by the fire official. Assembly rooms or spaces which have multiple use capability shall be posted for all such uses. The owner shall be responsible for installing and maintaining such signs.

F-1500.4.3 CITATIONS: THE FIRE OFFICIAL SHALL HAVE THE POWER TO ISSUE CITATIONS FOR VIOLATION OF SECTIONS F-1500.4.1, F-1500.4.2, AND F-1504.2 OF THIS CODE. A CITATION IS A WRITTEN OR PRINTED CHARGING DOCUMENT AND SUMMONS SERVED UPON THE PERSON CHARGED WITH A VIOLATION IN A FORM APPROVED BY THE DISTRICT COURT OF MARYLAND.

WHENEVER THE FIRE OFFICIAL DISCOVERS ANY VIOLATION OF SECTIONS F-1500.4.1, F-1500.4.2, OR F-1504.2, A CITATION MAY BE

ISSUED TO THE OWNER, AGENT, OR PERSON RESPONSIBLE FOR THE OPERATION OF OR IN CHARGE OF THE PLACE OF EDUCATION OR ASSEMBLY WHICH IS IN VIOLATION OF SAID PROVISIONS. A CITATION MAY BE ISSUED AT ANY TIME FOR VIOLATION IS DISCOVERED BY THE FIRE OFFICIAL, WHETHER OR NOT A PRIOR CITATION HAS BEEN ISSUED FOR THE SAME CONDITION. THE ISSUANCE OF A CITATION PURSUANT TO THIS SECTION SHALL NOT PREVENT THE FIRE OFFICIAL FROM PURSUING ANY OTHER APPROPRIATE LEGAL OR EQUITABLE REMEDY OR ANY OTHER ACTION OR ENFORCEMENT PROCEDURE AUTHORIZED BY LAW.

THE PERSON RECEIVING A CITATION SHALL PAY THE FINE AUTHORIZED IN SECTION F-1500.4.4 AND SPECIFIED IN THE CITATION DIRECTLY TO THE DIRECTOR OF FINANCE OF BALTIMORE CITY, OR (2) STAND TRIAL FOR THE VIOLATION. A PERSON WHO ELECTS TO STAND TRIAL SHALL SO NOTIFY THE DIRECTOR OF FINANCE, WHO SHALL FORWARD TO THE DISTRICT COURT A COPY OF SUCH NOTICE OF INTENT TO STAND TRIAL. A PERSON WHO FAILS TO PAY THE FINE BY THE SPECIFIED DATE OR FAILS TO FILE A NOTICE OF INTENT TO STAND TRIAL SHALL BE NOTIFIED OF AN ADDITIONAL TIME PERIOD IN WHICH TO PAY THE FINE, AND IF SUCH NOTICE IS NOT COMPLIED WITH THE DISTRICT COURT SHALL SCHEDULE THE CASE FOR TRIAL. SHOULD THE PERSON CHARGED FAIL TO APPEAR AT TRIAL A BENCH WARRANT FOR ARREST WILL BE ISSUED.

[F-1600.4.3 PENALTIES: ANY PERSON OR PERSONS RESPONSIBLE FOR THE OPERATION OF, OR IN CHARGE OF ANY PLACE OF ASSEMBLY, WHO PERMITS OR ALLOWS ANY OF THE CONDITIONS IN SECTIONS F-1600.4.1 OR F-1600.4.2 TO OCCUR, SHALL BE GUILTY OF A MISDEMEANDOR AND UPON CONVICTION THEREOF, SHALL BE SUBJECT TO THE FOLLOWING PENALTIES:

1ST OFFENSE OR ANY SINGLE OFFENSE SHALL BE FINED NOT LESS THAN TWENTY FIVE DOLLARS (\$25.00) NOR MORE THAN ONE HUNDRED DOLLARS (\$100.00).

2ND OFFENSE WITHIN A SIX (6) MONTH PERIOD SHALL BE FINED NOT LESS THAN FIFTY DOLLARS (\$50.00) NOR MORE THAN TWO HUNDRED DOLLARS (\$200.00).

3RD OFFENSE WITHIN A TWELVE (12) MONTH PERIOD SHALL BE FINED NOT LESS THAN ONE HUNDRED DOLLARS (\$100.00) NOR MORE THAN THREE HUNDRED DOLLARS (\$300.00) AND SHALL BE ORDERED TO SUSPEND ALL BUSINESS FOR A PERIOD OF AT LEAST FIVE (5) CONTINUOUS WORKING DAYS AND NOT MORE THAN FOURTEEN (14) CONTINUOUS WORKING DAYS.]

F-1500.4.4. PENALTIES: ANY OWNER, AGENT, OR PERSON RESPONSIBLE FOR THE OPERATION OF OR IN CHARGE OF ANY PLACE OF ASSEMBLY OR EDUCATION, WHERE ANY OF THE CONDITIONS

REGULATED IN SECTIONS F-1500.4.1, F-1500.4.2, or F-1504.2 ARE FOUND TO EXIST, SHALL BE GUILTY OF A MISDEMEANOR, AND UPON CONVICTION THEREOF, SHALL BE SUBJECT TO THE FOLLOWING PENALTIES:

1. VIOLATION OF SECTIONS F-1500.4.1 OR F-1500.4.2 INVOLVING 50 TO 99 PEOPLE – \$ 50

2. VIOLATION OF SECTIONS F-1500.4.1 OR F-1500.4.2 INVOLVING 100 TO 199 PEOPLE – \$200

3. VIOLATION OF SECTIONS F-1500.4.1 OR F-1500.4.2 INVOLVING 200 OR MORE PEOPLE \$500

4. VIOLATION OF SECTION 1504.2 – \$200

F-1602.2 – Special dispensers: Special type dispensers, such as coin or card operated devices, for public use are not permitted. The fire official may permit special type dispensers for certain private self-service operations. When permitted, they shall be installed and operated in accordance with Article 28 of this code and the provisions contained in NFPA 30 listed in Appendix A.

[F-2900.2] F-2800.2 Permit required: A permit shall be obtained from the fire official for each of the following:

1. [To install, remove, repair or alter] *Installation, removal, repair or alteration* in any way of a stationary tank for the storage of flammable or combustible liquids, or [to modify or replace] *modification or replacement* of any line or dispensing device connected thereto.

2. [For the storage] *Storage*, handling or use of Class I liquids in excess of [one (1)] 1 gallon in a dwelling or other place of human habitation, or in excess of [ten (10)] 10 gallons in any other building or other occupancy, or in excess of [ten (10)] 10 gallons outside of any building except that no permit shall be required for the following:

a. [For the storage] *Storage* or use of flammable liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant; or

b. [For the storage] *Storage* or use of paints, oils, varnishes or similar mixtures when such liquids are stored for painting, maintenance or similar purposes upon the premises, and which are not stored for a period exceeding [thirty (30)] 30 days.

3. Storage, handling or use of Class II combustible liquids or Class III combustible liquids in excess of [twenty-five (25)] 25 gallons in a building, or in excess of [sixty (60)] 60 gallons outside of a building, except for fuel oil used in connection with oil burning equipment in single-family residential buildings, and up to 660 gallons of fuel oil in all other buildings.

4. [For the manufacture] *Manufacture*, processing, blending or refining of flammable or combustible liquids.

5. [For the storage] *Storage* of flammable or combustible liquids in stationary tanks.

6. [For placing] *Placing* any flammable or combustible liquid stationary tank temporarily or permanently out of service and [to place] *placing* any said tank back into service (see Section [F-2904.6] *F-2804.6*).

F-3000.2—A permit shall be obtained from the fire official for each installation of liquified petroleum gas utilizing either individual or aggregate storage containers of 1200 gallons water capacity. Prior to making such an installation an installer shall submit plans to the fire official and if said plans comply with the requirements of this code, a permit shall be issued.

F-3003.1—General: Containers and first stage regulating equipment shall be located outside of buildings other than buildings especially provided for ~~this purpose~~ THE PURPOSE OF CONTAINING SUCH EQUIPMENT; except that containers and regulating equipment may be used indoors under the following conditions:

1. If temporarily used for demonstration purposes and the container has a maximum water capacity of 12 pounds (5.45 kg) (nominal 5 pounds LP-Gas capacity);

2. If used with a completely self-contained gas hand torch or similar equipment, and the container has a maximum water capacity of 2½ pounds (1.14 kg) (nominal 1 pound LP-Gas capacity);

3. In industrial and temporary ~~application~~ APPLICATIONS when in conformance with Section F-2007.2 and Section 33 of NFIPA 58 listed in Appendix A;

4. In use as a motor fuel (see Section F-3003.2); or

5. In storage awaiting use or resale, if in accordance with Chapter 5 of NFIPA 58 listed in Appendix A.

6. The use of LP-Gas containers of any size inside assembly buildings is prohibited.

7. The placement and use of LP-Gas cabinet heaters and self contained LP-Gas cooking devices is prohibited.

SEC. 9. And be it further ordained, That the Director of the Department of Legislative Reference is hereby authorized to publish the ~~Baltimore City Fire Prevention Code, 1985 Edition~~ 1985 OFFICIAL SUPPLEMENT TO THE FIRE PREVENTION CODE OF BALTIMORE CITY, with amendments and changes as provided for and authorized by this Ordinance; and the Director is further authorized to change the numbers of section headings, and article, section and subsection references in the 1982 Official Supplement to the Fire Prevention Code of Baltimore City to conform to the section headings, and arti-

cle, section and subsection references contained in the BOCA Basic/National Fire Prevention Code, 6th Edition, 1984, with Appendices A through C.

SEC. 10. *And be it further ordained*, That the BOCA/National Fire Prevention Code, 6th Edition, 1984, with Appendices A through C, and the ~~Baltimore City Fire Prevention Code, 1985 Edition~~ 1985 OFFICIAL SUPPLEMENT TO THE FIRE PREVENTION CODE OF BALTIMORE CITY, as edited and published by the Department of Legislative Reference, is ARE legalized and shall be deemed and taken in all the courts of the State of Maryland and by all public officials of the State and of its several subdivisions to be evidence of the Fire Prevention Code of Baltimore City.

SEC. 11. *And be it further ordained*, That the provisions of this ordinance shall apply to building operations for which a permit application has been filed on or subsequent to the effective date of this ordinance.

SEC. 12. *And be it further ordained*, That, except as expressly provided to the contrary in this ordinance, any transaction, case, proceeding, investigation, or any other matter validly entered into before the effective date of this ordinance, affected by or flowing from any ordinance amended or repealed herein, and any right, duty or interest flowing from any ordinance amended or repealed herein, remains valid after the effective date of this ordinance and may be terminated, completed, enforced, or prosecuted as required or permitted by any ordinance amended; or repealed by this ordinance as though the amendment or repeal has not occurred. If any change in nomenclature involves a change in name or designation of any City agency or official, the successor agency or official shall be considered in all respects as having the powers and obligations granted the former one.

SEC. 13. *And be it further ordained*, That this ordinance shall take effect on the 30th day after the date of its enactment.

Approved December 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

No. 578

(Council No. 998)

AN ORDINANCE concerning

**REZONING - 1032-1044 AISQUITH STREET
AND 1039-1065 HARFORD AVENUE**

FOR the purpose of changing the properties known as 1032 through 1044 Aisquith Street and 1039 through 1065 Harford Avenue from the R-8 to the B-2-2 Zoning District as outlined in red on the plat accompanying this ordinance.

BY amending Zoning District Maps

Sheet No. 46

Article 30 - Zoning

Baltimore City Code (1983 Replacement Volume, as amended)

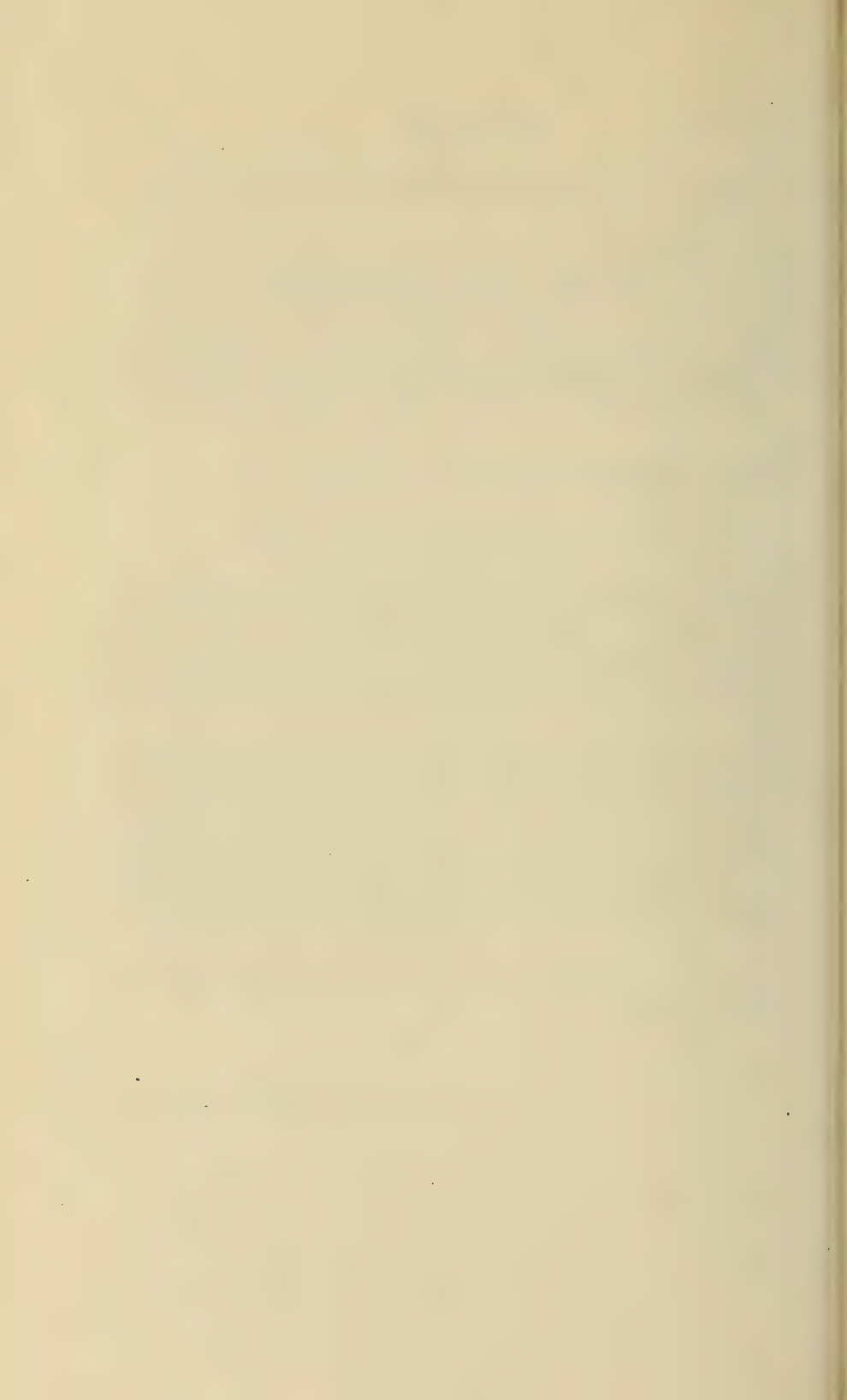
SECTION 1. *Be it ordained by the Mayor and City Council of Baltimore*, That Sheet No. 46 of the Zoning District Maps of Article 30 of the Baltimore City Code (1983 Replacement Volume, as amended) title "Zoning" be and it is hereby amended by changing from the R-8 Zoning District to the B-2-2 Zoning District the properties known as 1032 through 1044 Aisquith Street and 1039 through 1065 Harford Avenue as outlined in red on the plat accompanying this ordinance.

SEC. 2. *And be it further ordained*, That upon passage of this ordinance by the City Council, as evidence of the authenticity of the plat which is a part hereof and in order to give notice to the departments which are administering the Zoning Ordinance, the President of the City Council shall sign the plat and when the Mayor approves the ordinance, he shall sign the plat. The Director of Finance shall then transmit a copy of the ordinance and one of the plats to the following: the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of the Department of Housing and Community Development, the Supervisor of Assessments for Baltimore City and the Zoning Administrator.

SEC. 3. *And be it further ordained*, That this ordinance shall take effect on the date of its passage.

Approved December 27, 1985

WILLIAM DONALD SCHAEFER, Mayor.



Resolution No. 19

(Council No. 534)

A RESOLUTION concerning

CHARTER AMENDMENT—RESIDENCY REQUIREMENT FOR MAYOR

FOR the purpose of requiring a candidate for Mayor to have been a resident of the City for 1 year.

BY proposing an amendment to the Charter of Baltimore City

Article IV—Mayor

Section 1—Election and Term

SECTION 1. *Be it resolved by the Mayor and City Council of Baltimore*, That it is proposed that Section 1 of Article IV of the Charter of Baltimore City (1964 Revision, as amended) read as follows:

Article IV—Mayor

1. Election and Term.

The voters of Baltimore City shall elect on the Tuesday next after the first Monday in November 1967, and on the same day and month in every fourth year thereafter, a person of known integrity, experience and sound judgment, over twenty-five years of age, a citizen of the United States, and [ten years] *1 year* a resident of said City next preceding the election, to be Mayor of the City. The term of Mayor shall commence on the Tuesday next after the first Monday in December succeeding his election and continue for four years and until his successor shall have been elected and qualified. He shall be paid an annual salary of \$25,000 and shall receive as an expense account such sum as may be provided in the Ordinance of Estimates.

SEC. 2. *And be it further resolved*, That the foregoing proposed amendment to Section 1 of Article IV of the Charter of Baltimore City (1964 Revision, as amended) shall be submitted to the legal and qualified voters of this City at the next general election to be held in November, 1986 for their adoption or rejection in pursuance of directions contained in Article XI-A, Section 5 of the Constitution of Maryland in the following form:

CHARTER AMENDMENT

Requiring a candidate for Mayor to have been a resident of the City for 1 year.

FOR CHARTER AMENDMENT

AGAINST CHARTER AMENDMENT

Approved January 29, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 20

(Council No. 819)

A RESOLUTION concerning

GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL
OF BALTIMORE FOR THE BENEFIT OF GEORGE J. CISCLE
IN AN AMOUNT NOT TO EXCEED \$125,000 (PROPERTY LOCATED
AT 1006 MORTON STREET IN BALTIMORE CITY) IN CONNECTION
WITH THE NEIGHBORHOOD PROGRESS ADMINISTRATION/DHCD
PRIVATE ACTIVITY BOND PROGRAM

FOR the purpose of indicating the present intention of Mayor and City Council of Baltimore to participate in the financing, in an amount not to exceed \$125,000, of the acquisition by George J. Ciscle, of a certain facility in Baltimore City consisting of (a) the renovation of a carriage house of brick construction of two floors of approximately 2,800 square feet each, to be used as commercial and office space, and (b) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; to be leased by George J. Ciscle to various tenants, which may include Finestra, Inc., a Maryland corporation, Basis, Inc., a Maryland corporation, and William C. Bace, Esquire; for use by George J. Ciscle, Finestra, Inc., Basis, Inc. and William C. Bace, Esquire as commercial and office space; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 16, 1985 from George J. Ciscle to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such Bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that George J. Ciscle shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Mayor and City Council of Baltimore (the "City") has received a letter of intent dated May 16, 1985 (the "Letter of Intent") from George J. Ciscle (the "Applicant"), requesting the City to participate in the financing of the cost of acquisition by the Applicant of (a) the renovation of a carriage house of brick construction of two floors of approximately 2,800 square feet each, to be used as commercial and office space, and (b) the acquisition of such other interests in land as may

be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; (the "Facility"). As set forth in the Letter of Intent, the acquisition of the Facility will enable the Applicant to (a) relieve conditions of unemployment in the City and the State of Maryland (the "State"), (b) encourage the increase of industry in the City and the State, and (c) promote economic development and the health, welfare and safety of the residents of the City and the State. The Applicant requests that, pursuant to various provisions of the Constitution of Maryland, Acts of the General Assembly of Maryland, various Ordinances of the City and Article II Section (33) and Section (57) of the Charter of Baltimore City, 1964 Revision, as amended (collectively, the "Enabling Laws"), the City authorize, issue, sell, and deliver its bonds, in one or more series (the "Bonds") in connection with the Private Activity Bond Program (the "Private Activity Bond Program") of the Neighborhood Progress Administration/DHCD of the City ("NPA/DHCD"), in an aggregate principal amount not to exceed One Hundred Twenty-five Thousand dollars (\$125,000). The Applicant intends to lease the Facility to various tenants, which may include Finestra, Inc., a Maryland corporation, Basis, Inc., a Maryland corporation, and William C. Bace, Esquire (the "Facility User") to be used as commercial and office space.

The Letter of Intent expresses the Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

The Letter of Intent further expresses the Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Enabling Laws empower the City to make or contract to make, guarantee, or insure financial loans for commercial or industrial purposes from the proceeds of the City's general obligation bonds.

The Enabling Laws authorize and empower a majority of the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the City intends to participate in the financing of the acquisition of the Facility as described generally in the Letter of Intent.

SEC. 2. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution indicates the present intent of the City to provide assistance in such financing pursuant to the Private Activity Bond Program in an amount not to exceed One Hundred Twenty-five Thousand Dollars (\$125,000), by authorizing the issuance, sale and delivery of its Bonds pursuant to the Enabling Laws and by lending the proceeds thereof to the Applicant for the purpose of financing the acquisition of the Facility, directly or by reimbursement, and paying the necessary expenses of preparing, printing, and selling the Bonds, and any other costs permitted by the Enabling Laws, all in accordance with the Enabling Laws.

SEC. 3. *And be it resolved by Mayor and City Council of Baltimore*, That based on information provided to the City in the Letter of Intent by the Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 4. *And be it resolved by Mayor and City Council of Baltimore*, That any and all of the Bonds, and any notes or other obligations, shall be general obligations of the City and shall be a pledge of and involve the faith and credit and the taxing power of the City.

SEC. 5. *And be it resolved by Mayor and City Council of Baltimore*, That the Mayor of the City hereby is authorized to accept the Letter of Intent on behalf of the City to evidence further the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution and the City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of the Treasury pursuant to Section 103 of the Code, indicative of the willingness and bona fide present intent of the City to authorize the issuance, sale and delivery of the Bonds and as an inducement to the Applicant (i) to proceed with the acquisition of the Facility in the City as permitted by the Enabling Laws, and (ii) to engage in business in the City; provided, however, that, as more fully provided in Section 5 hereof, (1) this Resolution is not and does not constitute a commitment of the City to issue the Bonds, and (2), if the Applicant proceeds with the acquisition of the Facility prior to the making of a loan by the City to the Applicant under the Private Activity Bond Program in the amount of the Bonds, the Applicant does so at its own risk.

SEC. 6. *And be it resolved by Mayor and City Council of Baltimore*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its

bonds (within the meaning of the Enabling Laws, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Law and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. And be it resolved by Mayor and City Council of Baltimore, That, as permitted by the Enabling Laws, the Board shall, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 8. And be it resolved by Mayor and City Council of Baltimore, That the Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to NPA/DHCD for approval, and that NPA/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by NPA/DHCD to achieve high quality site, building, and landscape design.

SEC. 9. And be it resolved by Mayor and City Council of Baltimore, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. The maturity of such bond anticipation notes shall not exceed twelve years from the date of issuance of such bond anticipation notes.

Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions to:

- (a) approve the issuance of such bond anticipation notes;
- (b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof all as more fully provided by the Enabling Laws; and
- (c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, and under such terms as approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Applicant, its officers, agents and employees.

SEC. 10. *And be it resolved by Mayor and City Council of Baltimore, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.*

SEC. 11. *And be it resolved by Mayor and City Council of Baltimore, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein,*

and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it resolved by Mayor and City Council of Baltimore, That this Resolution shall be of an administrative nature and shall take effect from the date of its passage.*

Approved June 14, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

Resolution No. 21

(Council No. 804)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS –
(EDMONDSON VILLAGE MEDICAL PROPERTIES FACILITY)**

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$1,400,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Edmondson Village Medical Properties, a Maryland general partnership, of a certain facility in Baltimore City consisting of the acquisition of the real property located at 4200 Edmondson Avenue in Baltimore City, the acquisition and renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by Edmondson Village Medical Properties, and leased to various tenants, including doctors, dentists, an outreach clinic for Bon Secours Hospital, a medical laboratory and a well baby clinic, for use as a medical office building; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated April 25, 1985 from Edmondson Village Medical Properties to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Edmondson Village Medical Properties shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the is-

suance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or

(4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall.

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;
- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or
- (2) its chief executive officer (as defined in the Act), by executive order or otherwise; or
- (3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated April 25, 1985 (the "Letter of Intent") from Edmondson Village Medical Properties, a Maryland general partnership (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$1,400,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation

pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of a tract of land located at 4200 Edmondson Avenue in Baltimore City, (b) the acquisition and renovation of a 20,650 square foot building existing thereon, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation of the Facility Applicant's and its tenants' businesses. Upon completion, the Facility will be owned by the Facility Applicant and used by the Facility Applicant as a medical office building and is expected to be leased to various tenants, including doctors, dentists, an outreach clinic for Bon Secours Hospital, a medical laboratory and a well baby clinic.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate to the fullest extent permitted by the Act in the financing of the costs of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$1,400,000 (the "Bonds"), and, by either:

(1) lending or otherwise making available to the Facility Applicant the proceeds of the sale of the Bonds of any series upon the terms and conditions of one or more loan agreements to be entered into between the Public Body and the Facility Applicant or others (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the sale of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility in any other manner permitted by the Act, including, without limitation, acquiring the Facility directly and (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease") or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

When used in this Resolution, the term "Financing Agreement" shall include any Loan Agreement, Lease, Sale Agreement, or other agreement under which the proceeds of the sale of the Bonds are made available to the Facility Applicant for the financing of the acquisition of the Facility.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by the Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility is a "facility" within the meaning of the Act.
- (4) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (5) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (6) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (7) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (8) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (c) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.
- (9) The City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant's within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.
- (10) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection

with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(11) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$1,400,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend or otherwise make available the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility in any other manner permitted by the Act, including, without limitation, acquiring the Facility directly and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant pursuant to the terms and provision of a Lease or (b) selling the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and such other costs permitted by the Act and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in

the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$1,400,000; provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution evidences the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds or the exemption from federal income taxation of the interest payable on such bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the

Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of

any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

The authority to issue the Bonds is intended to and shall include the authority to issue revenue refunding bonds, and references herein to the "Bonds" shall include revenue refunding bonds where appropriate. In the event that any revenue refunding bonds are issued, the outstanding principal amount of any "refunded bonds" (as hereinafter defined) shall not be taken into account in determining the aggregate principal amount of Bonds issued, sold and delivered hereunder. The term "refunded bonds" means any Bonds (i) for the payment of which (both principal and interest) provision has been made from the proceeds (including any earnings on the investment thereof) of Bonds issued pursuant to this Ordinance or from moneys made available for such purpose or (ii) which have been paid from such proceeds or such moneys, whether such provision for payment, or such payment, is made at or prior to the maturity of such Bonds.

The authority to issue the Bonds is intended to include the authority to enter into an agreement with the Maryland Industrial Development, Financing Authority providing for insurance of the payment or repayment of principal of, redemption or repayment premiums or penalties on, and interest on the Bonds.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bonds of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

- (1) shall finally approve the issuance of the Bonds of any series;
- (2) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;
- (3) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and

the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(4) may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(5) shall approve the form and contents of, and execute and deliver (where applicable) a Financing Agreement or Financing Agreements, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(6) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(7) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(8) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(9) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(10) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(11) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(12) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(13) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolu-

tion, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, individually certifies under penalty of perjury that such vote or such approval was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 22

(Council No. 806)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(CROWN ROYAL FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell it bonds, as its limited obligations and not upon its full faith and credit or pledge of its taxing power, in one or more series, in an aggregate principal amount not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) pursuant to the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended, for the sole and exclusive purpose of (a) financing the costs of a certain facility in Baltimore City consisting of the acquisition of the real property containing approximately 7.4873 acres known as 6611 Tributary Street and located in the Holabird Industrial Park in Baltimore City, the construction of improvements consisting of 65,800 (approx.) square foot one story warehouse and an 18,000 (approx.) square foot two story office building thereon, and the purchase and installation of certain machinery and equipment therein, AND THE ACQUISITION OF SUCH OTHER INTERESTS IN REAL AND/OR PERSONAL PROPERTY INCIDENTAL, NECESSARY OR CONVENIENT IN CONNECTION WITH THE AFOREGOING, to be owned by Crown Royal Limited Partnership, a Maryland limited partnership and leased to McCarthy-Hicks, Inc., a Maryland corporation, for use as an office, warehouse and distribution facility in its business of the wholesale distribution of distilled spirits, wines and beer; or (b) in the alternative (1) financing a portion of the costs described in (a) above and (2) refunding all or any portion of the \$1,250,000 Mayor and City Council of Baltimore Industrial Development Revenue Bond (P. Fred'k Obrecht Management Company Project) 1984 Series, issued on December 26, 1984 pursuant to Ordinance No. 244 approved on December 5, 1984; specifying and describing the facility to be financed; describing generally the public purposes to be served and the financing transaction to be accomplished; specifying the maximum aggregate principal amount of bonds that may be issued; authorizing the Board of Finance of the City by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; authorizing the Mayor of the City, by executive order or otherwise, to do any or all of the foregoing; making certain legislative findings; and specifying and describing various matters in connection therewith, as required or permitted by such Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982

Replacement Volume and 1984 Cumulative Supplement), as amended (the "Act"), provides that in order to accomplish the legislative policy of the Act, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time or from time to time, in one or more series for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

Mayor and City Council of Baltimore, a body corporate and politic, and a political subdivision of the State of Maryland (the "State") and a public body (as defined in the Act) (the "Public Body"), has received a letter of intent dated April 22, 1985, as amended (the "Letter of Intent"), from Crown Royal Limited Partnership, a Maryland limited partnership (the "Borrower") and an Application dated April 22, 1985 (the "Application"), pursuant to which the Borrower has requested the Public Body to participate in the financing of the costs of the acquisition of a facility located or to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the Public Body of its bonds in an aggregate principal amount not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000), pursuant to and in accordance with the Act.

The acquisition of the Facility will consist of and include (without limitation):

(1) the acquisition of a tract of land containing approximately 7.4873 acres, known as 6611 Tributary Street and located in the Holabird Industrial Park in Baltimore City,

(2) the construction of improvements consisting of a 65,800 (approx.) square foot one story warehouse and an 18,000 (approx.) square foot two story office building thereon,

(3) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, and

(4) the acquisition of such other interests in real and/or personal property incidental, necessary or convenient in connection with the foregoing.

The Facility will be owned by the Borrower and leased to McCarthy-Hicks, Inc., a Maryland corporation (the "Facility User"), for use as an office, warehouse and distribution facility in its business of the wholesale distribution of distilled spirits, wines and beer.

The acquisition of the Facility will bring a new business to Baltimore City, will promote the use of the Port of Baltimore and will result in the increase of a number of new jobs in Baltimore City, as set forth in the Letter of Intent and in the Application.

The Public Body, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its bonds in an aggregate principal amount not to exceed Two Million Nine Hundred Thousand Dollars (\$2,900,000) (the "Bonds"). The proceeds of the Bonds shall be applied in accordance with Sections 266D(a) and (b) of the Act and this Resolution.

The Letter of Intent expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the Public Body's volume cap. In addition, the Letter of Intent contains an acknowledgment by the Borrower that the Public Body reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

Pursuant to Ordinance No. 244 of the Public Body approved on December 5, 1984, the Public Body issued and sold on December 26, 1984 the \$1,250,000 Mayor and City Council of Baltimore Industrial Development Revenue Bond (P. Fred'k Obrecht Management Company Project) 1984 Series (the "Original Bonds"), the proceeds of which were used by P. Fred'k Obrecht Management Company, a Maryland general partnership and a partner of the Borrower, to finance the costs of the acquisition of a certain facility described in Ordinance No. 244.

The Borrower has requested the Public Body to provide also in this Resolution (as an alternative to the Public Body's authorization herein that the proceeds of the Bonds be used for the sole and exclusive purpose of financing the costs of the Facility) that, in addition to authorizing the use of the proceeds of the Bonds to finance a portion of the costs of the Facility, a portion of the proceeds of the Bonds may be used for the purpose of refunding all or any portion of the Original Bonds.

The word "bonds" shall have the meaning indicated in the Act and includes bond anticipation notes issued in anticipation of the issuance and sale of the bonds, and it is intended that the provisions of this Resolution applying to "bonds" and "Bonds" shall include such bond anticipation notes, and any refunding bonds issued to refund any bonds or bond anticipation notes issued pursuant to this Resolution, and shall include separate series of bonds, whether issued at the same time or at different times, unless the context clearly requires a contrary meaning. Words and terms used in this Resolution (including these Recitals) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The Borrower is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility User will be a "facility user" as defined in the Act; the Facility is a "facility" within the meaning of the Act; the Letter of Intent is a "letter of intent" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

(2) The issuance and sale of the Bond by the Public Body, pursuant to the provisions of the Act, in order to make the proceeds thereof available to the Borrower for the purpose of (a) financing the acquisition of the Facility, including the necessary expenses of preparing, printing, selling and issuing the Bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition or (b) in the alternative (i) financing a portion of such acquisition costs and (ii) refunding all or any portion of the Original Bonds, will facilitate and expedite the acquisition of the Facility.

(3) The acquisition of the Facility, the financing thereof as provided in this Resolution and the refunding of all or any portion of the Original Bonds will promote the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(4) The Bonds and the interest thereon will be limited obligations of the Public Body, and the principal of, premium, if any, and interest thereon shall be payable solely from the revenues received in connection with the financing of the Facility or from any other moneys made available to the Public Body for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the bonds in anticipation of which such notes were issued. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Public Body within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Public Body.

(5) Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, or interest on the Bonds will be commingled with the Public Body's funds or will be subject to the absolute control of the Public Body, but will be subject only to such limited supervision and checks and the Public Body shall retain only those rights as it deems necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transaction provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or

the purchase of equipment for public use. The Facility does not constitute a capital project of the Public Body within the meaning of any statutory or charter provision. The acquisition of the Facility will achieve the public purposes of the Act.

(6) In compliance with Executive Order 01.01.1985.01, Proclamation on Private Activity Bond Allocations for 1985 and Later, by Harry Hughes, Governor of the State of Maryland and based upon information contained in the Application: (a) the Public Body has considered the feasibility of conventional financing on reasonable terms to finance the Facility; (b) the Public Body has considered the competitive effect of the issuance of the Bonds on other business entities conducting similar businesses in Baltimore City; and (c) the Public Body has considered the necessity for the issuance of the Bonds to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further resolved*, That this Resolution, among other things, evidences the present intent of the Public Body to issue, sell and deliver the Bonds in accordance with the terms and provisions of this Resolution. The Mayor of the Public Body (the "Mayor") is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the Public Body in order to further evidence the present intent of the Public Body to issue and sell the Bonds in accordance with the terms and provisions of this Resolution. The Public Body intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The Public Body and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Facility prior to satisfaction of the conditions described in Section 9 hereof, the Borrower does so at its own risk.

SEC. 3. *And be it further resolved*, That the Public Body is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not exceeding Two Million Nine Hundred Thousand Dollars (\$2,900,000), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation note are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provision for the payment of which has been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account in determining the aggregate principal amount of bonds issued, sold and delivered pursuant to this Resolution.

SEC. 4. *And be it further resolved*, That the Bonds shall mature not later than 30 years from their date of issuance.

SEC. 5. *And be it further resolved*, That the Public Body will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of a loan

agreement (within the meaning of the Act) or a financing agreement (the "Loan Agreement"), to be used by the Borrower for the purpose of (a) financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility or (b) in the alternative (i) financing a portion of the costs of the acquisition of the Facility and (ii) refunding all or any portion of the Original Bonds, which Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the Public Body to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. *And be it further resolved*, That the Public Body reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the Public Body in order to insure that the Public Body (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Act, Section 103(n) of the Code and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the Public Body determines, in its sole and absolute discretion, will provide the greatest benefit to the Public Body.

In particular, since the Public Body may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the Public Body reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the Public Body reserves the right, in its sole and absolute discretion to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the Public Body, in its sole and absolute discretion, in order to insure that the Public Body achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it further resolved*, That the Bonds shall be executed in the name of the Public Body and on its behalf by the Mayor, by his manual or facsimile signature, and by the Director of Finance of the Public Body, by his manual or facsimile signature, and the corporate seal of the Public Body or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Mayor, the Director of Finance of the Public Body, the Custodian of the City Seal and other officials of the Public Body are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, seal and deliver on behalf of the Public Body such documents and certificates, including (without limitation) the Loan Agreement, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution.

SEC. 8. *And be it further resolved*, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other price as

the Board of Finance or the Mayor, with the consent of the Borrower, deems appropriate, or may be sold at a public sale, at par, above par or below par, with the consent of the Borrower, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interests of the Public Body.

SEC. 9. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, or any series thereof, the Board of Finance by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, or the Mayor, by executive order or otherwise;

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

(2) shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities for the Bonds;

(3) may appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

(4) shall approve the form and contents of, and execute and deliver (where applicable), the Loan Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the Public Body is a party and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

(5) may prepare and distribute, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters or placement agents for the Bonds of any series, both a preliminary and a final official statement, offering memorandum or other similar document in connection with the sale of the Bonds of any series, if determined to be necessary or desirable in connection with the sale of the Bonds;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Board of Finance or the Mayor;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(8) may determine the method, and shall approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution;

(9) shall provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the Public Body in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the Public Body) performing services by or on behalf of the Public Body in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of any appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds, and for the payment of interest on the Bonds during the period of construction of the Facility and during such limited period thereafter, as the Board of Finance or the Mayor deems reasonable; and

(12) may specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and the Board of Finance or the Mayor may do any and all things appropriate for the authorization, sale, security, issuance, delivery or payment of or for the Bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. *And be it further resolved*, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 9 hereof, and the Mayor is hereby authorized and empowered to execute and deliver one or more executive orders from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, the Loan Agreement, any trust agreement or similar agreement and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each such supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution, and the documents executed in connection with the Bonds and then in effect.

SEC. 11. *And be it further resolved*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 12. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision,

sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further resolved*, That either the Bonds or any bond anticipation notes must be issued and sold within six (6) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such six month period, or (b) the Board of Finance, after a showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such six month period, may extend the period during which either the Bonds or any bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six month period expires. The Board of Finance or the Mayor shall have the sole and absolute discretion without action by the City Council of the Public Body to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension of the first six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the Public Body to issue and sell the Bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue Bonds, as contained in this Resolution shall not affect the present intent of the Public Body to issue the Bonds, as described in Section 2 hereof.

SEC. 14. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the Public Body who votes in favor of, or against, the adoption of this Resolution, and the Mayor, by his approval or veto of this Resolution, hereby certifies under penalty of perjury, that the allocation granted to the Borrower by the Public Body of any volume cap of the State has not been made in consideration of any gift, gratuity, bribe or direct or indirect contribution to any political campaign.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect on the date of its approval by the Mayor.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

Resolution No. 23

(Council No. 808)

AN ORDINANCE concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS—
(THE SOUTHERN GALVANIZING COMPANY FACILITY)**

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$825,000, pursuant to the provisions of Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended, for the sole and exclusive purpose of financing the costs of the completion by The Southern Galvanizing Company, a Maryland corporation, of a certain facility in Baltimore City consisting of the acquisition and installation in the processing factory of The Southern Galvanizing Company, located at 1620 Bush Street, in Baltimore City, Maryland, of certain equipment, including, but not limited to a galvanizing furnace, kettle, steel cleaning tanks, acid storage tanks, overhead cranes, an air compressor, and other machinery and equipment as may be necessary or useful in the business of hot dip galvanizing; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 3, 1985 from The Southern Galvanizing Company to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or time of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that The Southern Galvanizing Company shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold within six months from the date this Ordinance is approved by the Mayor, but in no event later than December 31, 1985, unless the Board of Finance approves one six month extension as provided in this Ordinance; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision), as amended (the "Enabling Law"), empowers Mayor and City Council of Baltimore (the "City") to borrow money to finance undertakings for the ac-

complishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds, notes, or other obligations (including refunding bonds, notes or other obligations), all of which shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the property, facilities, developments and improvements whose financing is undertaken by the issuance of such bonds, notes or other obligations, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds, notes or other obligations, or (IV) any combination of (I), (II) or (III). The purposes, objects and powers of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated May 3, 1985 (the "Letter of Intent") from The Southern Galvanizing Company, a Maryland corporation (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of the completion by the Borrower of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$825,000 (the "Bonds"), and by making the proceeds of the Bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility by the Borrower.

The Letter of Intent expresses the Borrower's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code, imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 4 hereof.

The Facility, which is an "undertaking" which will accomplish the purposes, objects and powers of the City as mentioned in the Enabling Law, will consist generally of the acquisition and installation in the Borrower's processing factory located at 1620 Bush Street, in Baltimore City, Maryland, of certain equipment, including, but not limited to a galvanizing furnace, kettle, steel cleaning tanks, acid storage tanks, overhead cranes, an air compressor, and other machinery and equipment as may be necessary or useful. Upon completion, the Facility will be owned by the Borrower in connection with the Borrower's hot dip galvanizing business.

The Enabling Law provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW, THEREFORE, IN ACCORDANCE WITH THE ENABLING LAW:

SECTION 1. *Be it ordained by Mayor and City Council of Baltimore*, That acting pursuant to the Enabling Law, it is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law in order to make the proceeds thereof available to the Borrower for the sole and exclusive purpose of financing the costs of completion of the Facility will facilitate and expedite the completion of the Facility by the Borrower.

(2) The completion of the Facility by the Borrower and the financing of the costs of such completion as provided in this Ordinance will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City; (d) enabling the Borrower to maintain its industrial operations in the City; and (e) creating up to seventeen new jobs.

(3) Any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or within the meaning of any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

(4) Based on information provided to the City by the Borrower, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Borrower within the City, and (c) the necessity for the issuance of the Bonds for competitive economic purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further ordained*, That the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$825,000, subject to the provisions of this Ordinance. The proceeds of the Bonds will be made available to the Borrower under terms and conditions approved by the Board and set forth in a Resolution, and used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility.

SEC. 3. *And be it further ordained*, That this Ordinance constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Ordinance. The City intends that the enactment of this Ordinance shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Ordinance, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the adoption of a resolution by the Board, as described in Section 5(a) below, the Borrower does so at its own risk.

SEC. 4. *And be it further ordained*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Law, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Law and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 4, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 5. *And be it further ordained*, That, as permitted by the Enabling Law, the Board is hereby authorized and empowered, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, to:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agreement or similar agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Facility; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 6. *And be it further ordained*, That any and all of the Bonds shall not be general obligations of the City and shall not be a pledge of or involve the faith and credit or the taxing power of the City, and shall not constitute a debt of the City, all within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City. All of the Bonds shall be limited obligations of the City, and shall be fully negotiable, payable, as to both principal and interest, solely from and secured solely by a pledge of (I) the revenues from or arising in connection with the Facility, (II) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (III) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (IV) any combination of (I), (II) or (III), all as the Board may approve by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds.

SEC. 7. *And be it further ordained*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 8. *And be it further ordained*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his

manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution to be necessary to carry out and comply with the provisions hereof.

SEC. 9. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Ordinance may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 10. *And be it further ordained*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Cumulative Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Ordinance to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, to:

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;

(c) approve (i) the pledge or assignment by the City of any of the security described in Section 6 of this Ordinance, pursuant to a trust agreement or similar agreement, (ii) the form of any such trust agreement or similar agreement, as provided in the Enabling Law, and (iii) such provisions in any such trust agree-

ment or similar agreement as the Board may deem reasonable and proper for the security of the holders of such bond anticipation notes;

(d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Facility; and

(e) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, under such terms as may be approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Ordinance and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents and employees.

SEC. 11. *And be it further ordained*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Ordinance, by such vote, and the Mayor of the City, by his approval of this Ordinance, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 12. *And be it further ordained*, That the provisions of this Ordinance are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further ordained*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Ordinance in anticipation of the issuance of the Bonds must be issued and sold within six months from the date on which this Ordinance is approved by the Mayor of the City, but in no event later than December 31, 1985; provided, however, that the Board, after a showing of good cause at a public hearing before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefore must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve months from the date on which this Ordinance is approved by the Mayor of the City, the authority provided in this Ordinance for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 14. *And be it further ordained*, That this Ordinance shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 24

(Council No. 898)

A RESOLUTION concerning

BOND ISSUE - PUBLIC MARKET LOAN (NORTHEAST MARKET)

FOR the purpose of indicating the present intention of Mayor and City Council of Baltimore to issue bonds in an aggregate amount not to exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) to be used for the purpose of financing additions and improvements to, or the renovation, modernization, or reconstruction of, the existing public market buildings, structures, and facilities located at 2101 East Monument Street and known as the "Northeast Market," which are presently owned or controlled by the Mayor and City Council of Baltimore and leased to 38 vendors, and for the alteration and improvement of land, and the construction, reconstruction, renovation, installation, and relocation or repair of streets, alleys, utilities or services, and other structures or improvements, to be or now being used for or in connection with the operations, functions, and activities of the Northeast Market, and for acquiring and installing equipment for any and all such buildings, structures, or facilities; for doing any and all things necessary, proper or expedient in connection with or pertaining to any or all of the matters or things hereinbefore mentioned; making certain legislative findings; and determining various matters in connection therewith.

RECITALS

Pursuant to Article XI-B, Section 1 of the Constitution of Maryland (the "Constitution") and Sub-sections (15A) and (18) of Article II of the Charter of Baltimore City (1964 Revision), as amended (collectively, the "Enabling Law") and Chapter 12 of the Laws of Maryland of 1983, and Ordinance No. 969 of the City, approved by the Mayor on June 22, 1983 and by the legal voters of the City of Baltimore at the Municipal Election held in Baltimore City on November 8, 1983 (the "Authorizing Ordinance"), the Mayor and City Council of Baltimore (the "City") is authorized to use the proceeds of any debt of the City created under Article XI, Section 7 of the Constitution to finance additions and improvements to, or the renovation, modernization, or reconstruction of, existing public market buildings, structures, and facilities owned or controlled by the City, and for the alteration and improvement of land, and the construction, reconstruction, renovation, installation, and relocation or repair of streets, alleys, utilities or services, and other structures or improvements, to be or now being used for or in connection with the operations, functions, and activities of the public markets of Baltimore City, and for acquiring and installing equipment for any and all buildings, structures, or facilities authorized to be improved, renovated or modernized under the provisions of the Authorizing Ordinance (the foregoing are hereinafter collectively referred to as the "Improvements").

The City desires to proceed with the issuance of bonds (the "Bonds") in an aggregate amount not to exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) for the purpose of financing the Improvements to the Northeast Market, as hereinabove described.

NOW, THEREFORE:

SECTION 1. *Be it resolved by the Baltimore City Council*, That the Baltimore City Council intends to participate in the financing of the Improvements to the Northeast Market as hereinabove described.

SEC. 2. *And be it further resolved by the Baltimore City Council*, That this Resolution indicates the present intent of the City to provide such financing in an amount not to exceed One Million Two Hundred Fifty Thousand (\$1,250,000), by issuing, selling and delivering its Bonds pursuant to the Enabling Law and paying the necessary expenses of preparing, printing and selling the Bonds, and any other costs permitted by the Enabling Law, all in accordance with the Enabling Law.

SEC. 3. *And be it further resolved by the Baltimore City Council*, That this Resolution is adopted as and shall constitute "some other similar official action" by the City toward the issuance of the Bonds within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations promulgated by the United States Treasury Department indicative of the present intent of the City to issue, sell and deliver the Bonds.

SEC. 4. *And be it further resolved by the Baltimore City Council*, That the City intends to adopt such resolutions, to take such other actions, and to authorize the

execution and delivery of such documents as may be necessary or desirable for the final authorization, issuance and sale of the Bonds.

SEC. 5. *And be it further resolved by the Baltimore City Council*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 6. *And be it further resolved by the Baltimore City Council*, That this Resolution shall be of an administrative nature and shall take effect from the date of its passage.

Approved June 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 25

(Council No. 803)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
(CENTENNIAL/WARREN TECHNOLOGY ASSOCIATES LIMITED
PARTNERSHIP FACILITY)

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing power, of one or more series of its economic development revenue bonds, in the aggregate principal amount not to exceed \$7,750,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Centennial/Warren Technology Associates Limited Partnership, a Maryland limited partnership, of a certain facility in Baltimore City consisting of the acquisition of the real property containing approximately 7.13 acres of land located at the northwest corner of Metro Drive and Mount Hope Drive, the construction of certain improvements thereon, and the purchase and installation of certain machinery and equipment and any and all other improvements therein, as may be

necessary or useful in connection with the operation of the improvements to be owned by Centennial/Warren Technology Associates Limited Partnership and to be leased by various tenants; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 1, 1985 from Centennial/Warren Technology Associates Limited Partnership to the City; making certain legislative findings; reserving in the City certain rights concerning issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedure appropriate to the authorization, sale, security, issuance, delivery or payment of or for such bonds; providing that Centennial/Warren Technology Associates Limited Partnership shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility providing that such bond (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purpose of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;

- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;
- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or
- (2) its chief executive officer (as defined in the Act), by executive order or otherwise; or
- (3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any counter-signature or delivery of bonds or security for bonds.

The Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated May 1, 1985 (the "Letter of Intent") from Centennial/Warren Technology Associates Limited Partnership, a Maryland limited partnership (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$7,750,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of a tract of land containing approximately 7.13 acres, located at the northwest corner of Metro Drive and Mount Hope Drive in Baltimore City, (b) the construction of an approximately 72,000 square foot building thereon for warehouse and office space use, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Facility will be owned by the Facility Applicant and leased to various tenants (the "Facility Users") for use by the Facility Users in their respective businesses.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$7,750,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into

between the City and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the cost (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Users upon the terms and conditions of one or more leases to be entered into between the City and the Facility Users (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" within the meaning of the Act.
- (3) The Facility Users each will be a "facility user" within the meaning of the Act.
- (4) The Facility is a "facility" within the meaning of the Act.
- (5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (6) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.

(9) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number

of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(10) Based on information provided to the City by the Facility Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$7,750,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility User pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$7,750,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial or economic development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial or economic development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Project to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facilities Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale, and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his ap-

proval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved June 26, 1985

WILLIAM DONALD SCHAEFER, Mayor.

Resolution No. 26

(Council No. 810)

A RESOLUTION concerning

THE ISSUANCE OF BONDS TO FINANCE THE ACQUISITION
OF LAND AND BUILDINGS LOCATED AT 717 AND 719 WEST LOMBARD
STREET IN BALTIMORE CITY (HUTZLER'S WAREHOUSE)

FOR the purpose of indicating the intent of Mayor and City Council of Baltimore to issue bonds in an aggregate principal amount not to exceed Two Million One Hundred Thousand Dollars (\$2,100,000) to be used for the public purpose of financing, in whole or in part, the acquisition of certain land located in the City of Baltimore located at 717 and 719 West Lombard Street, and existing improvements located thereon (Hutzler's Warehouse), pursuant to Chapter 10 of the Acts of the General Assembly of Maryland of 1982 or any other available legal authority; and providing for further proceedings in connection with the issuance of the bonds and the description of such land and improvements.

RECITALS

Pursuant to the provisions of Chapter 10 of the Acts of the General Assembly of Maryland of 1982, Ordinance No. 729, passed by the City Council, approved by the Mayor on June 29, 1982 and approved by a majority of the votes of the legal voters cast at the General Election held in Baltimore City on Tuesday, the 2nd day of November, 1982, and any other legal authority available to the Mayor and City Council of Baltimore (the "City") under its Charter, ordinances, any other public general law or public local law in effect on the date of issuance of the Bonds (the "Enabling Act") the City is authorized to issue its bonds, in order to finance, among other things, the acquisition by purchase, lease, conditional purchase agreement or any other legal means, of land or property, or any right, interest, franchise, easement or privilege therein, in the City of Baltimore.

The City considers the acquisition of certain land located in the City of Baltimore located at 717 and 719 West Lombard Street, and existing improvements (Hutzler's Warehouse) located thereon (the "Property"), to be in furtherance of the public purposes of the Enabling Law.

The City is desirous of proceeding with the issuance of the Bonds (hereinafter defined) and making certain determinations to implement the provisions of the Enabling Law.

Now, therefore, *be it resolved and ordered by the Mayor and City Council of Baltimore, That:*

SECTION 1. The City intends to issue its bonds, notes or other obligations (the "Bonds") pursuant to the provisions of the Enabling Act in a principal amount not to exceed Two Million One Hundred Thousand Dollars (\$2,100,000), to finance (i) the cost of the acquisition of the Property (as described in Section 3 hereof), (ii) the costs incident to the authorization, sale and issuance of the Bonds (including, without limitation, the costs of engraving, printing, advertising and attorneys'

fees), and of carrying out any of the other public purposes provided for in the Enabling Act, and (iii) any combination of the above.

SEC. 2. The proceeds of the Bonds will (i) be used by the City to acquire by purchase, lease, conditional purchase agreement or any other legal means, the Property or any right, interest, franchise, easement or privilege therein, (ii) be used in connection with any other financing structure permitted by the Enabling Act for the purpose of acquiring by purchase, lease, conditional purchase agreement or any other legal means, the Property or any right, interest, franchise, easement or privilege therein, or (iii) be used in connection with any combination of the above.

SEC. 3. The City intends to adopt such resolutions, to take such other actions, and to authorize the execution and delivery of such documents as may be necessary or desirable for (i) the final authorization and issuance of the Bonds, (ii) the financing of the acquisition by purchase, lease, conditional purchase agreement or any other legal means, the Property or any right, interest, franchise, easement or privilege therein, and (iii) the execution of leases, contracts, conditional purchase agreements, instruments and other agreements with one or more private persons, corporations, trusts, partnerships, firms, cooperatives or other private entities with respect to the acquisition by purchase, lease, conditional purchase agreement or any other legal means, the Property or any right, interest, franchise, easement or privilege therein.

SEC. 4. The City intends to take or cause to be taken such other acts and to adopt such further proceedings as may be required to implement the aforesaid undertakings or as it may deem appropriate in the pursuance thereof. The City intends that this resolution shall constitute "some other similar official action" toward the issuance of the Bonds within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations promulgated by the United States Treasury Department.

SEC. 5. All actions, proceedings and determinations intended or authorized to be taken, adopted or made by the City pursuant to this resolution, shall be taken, adopted or made by the Board of Finance of the City or the Board of Estimates of the City, as required by the Enabling Act, it being the intention of the Mayor and City Council of the City that the Board of Finance of the City or the Board of Estimates of the City, as the case may be, exercise to the fullest extent thereof the authority delegated to the Board of Finance or the Board of Estimates in the Enabling Act.

SEC. 6. The provisions of this resolution are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability, shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this resolution would have been adopted if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, section or part had not been included therein, as if the person or circumstances to which this resolution or any part thereof is inapplicable had been specifically exempted therefrom.

SEC. 7. This resolution shall take effect from the date of its approval by the Mayor of the City.

Approved June 26, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 27

(Council No. 820)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS—
(H. & K. EQUIPMENT CO. INC. FACILITY)**

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$2,000,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty, a Maryland general partnership, of a certain facility in Baltimore City consisting of the grading and construction of a 100,000 square foot warehouse on the real property owned by Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty Co. located at 6301 Pulaski Highway in Baltimore City, and the razing and grading of the existing 22,000-25,000 square foot warehouse building thereon to accommodate such construction, such new warehouse to be leased to H. & K. Equipment Co. Inc., a Maryland corporation, for use in a portion of its business of public warehousing; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 17, 1985 from Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determin-

ing various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;
- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or
- (2) its chief executive officer (as defined in the Act), by executive order or otherwise; or
- (3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated May 17, 1985 (the "Letter of Intent") from Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty, a Maryland general partnership (the "Facility Applicant"), and H. & K. Equipment Co. Inc., a Maryland corporation (the "Facility User"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$2,000,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the grading and construction of a 100,000 square foot warehouse on land already owned by the Facility Applicant and located at 6301 Pulaski Highway, and (b) the razing and grading of the existing 22,000-25,000 square foot public warehouse building on such land in order to accommodate such construction. Upon completion, the Facility will be owned by the Facility Applicant and leased to the Facility User, for use by the Facility User as a public warehouse in a portion of its business of public warehousing.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$2,000,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the Public Body and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by the Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" within the meaning of the Act.
- (3) The Facility User is a "facility user" within the meaning of the Act.
- (4) The Facility is a "facility" within the meaning of the Act.
- (5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (6) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (9) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City. Specifically, as indicated in the Letter of Intent, the acquisition of the Facility will revitalize the Pulaski Highway/Erdman Avenue corridor and will increase employment in Baltimore City.
- (10) Based on information provided to the City by the Facility Applicant and the Facility User, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bond on other business entities conducting business activities similar to those of the Facility Applicant and the Facility User within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$2,000,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either.

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent per-

mitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$2,000,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effectiveness date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation

notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bonds of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act) and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution.

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved June 26, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 28

(Council No. 801)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(POLK AUDIO FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore, to issue and sell its bonds, as its limited obligations and not upon its faith and credit or pledge of its taxing power, in one or more series, in an aggregate principal amount not to exceed Two Million Eight Hundred Thousand Dollars (\$2,800,000), pursuant to the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs of a certain facility in Baltimore City consisting of the acquisition of the real property containing approximately ten (10) acres located at the north corner of the intersection of Metro Drive and Northern Parkway, consisting of the southern portion of the property known as Block, 4286-B, Section 2 of Ward 28, in the Seton Business Park in Baltimore City, the construction of improvements consisting of a 100,000 (approx.) square foot one story building

thereon, and the purchase and installation of certain machinery and equipment to be used therein, AND THE ACQUISITION OF SUCH OTHER INTERESTS IN REAL AND/OR PERSONAL PROPERTY INCIDENTAL, NECESSARY OR CONVENIENT IN CONNECTION WITH THE AFOREGOING, to be owned by Klopfer Associates Limited Partnership, a Maryland limited partnership and leased to Polk Audio, Inc., a Maryland corporation, for use as a manufacturing, office, warehouse and distribution facility in its business of the manufacturing and distribution of loudspeaker systems and accessories; specifying and describing the facility to be financed; describing generally the public purposes to be served and the financing transaction to be accomplished; specifying the maximum aggregate principal amount of bonds that may be issued; authorizing the Board of Finance of the City by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; authorizing the Mayor of the City, by executive order or otherwise, to do any or all of the foregoing; making certain legislative findings; and specifying and describing various matters in connection therewith, as required or permitted by such Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended (the "Act"), provides that in order to accomplish the legislative policy of the Act, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time or from time to time, in one or more series for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

Mayor and City Council of Batimore, a body corporate and politic, and a political subdivision of the State of Maryland (the "State") and a public body (as defined in the Act) (the "Public Body"), has received a letter of intent dated April 26, 1985, as amended (the "Letter of Intent"), from Klopfer Associates Limited Partnership, a Maryland limited partnership (the "Borrower") and an Application dated April 26, 1985 (the "Application"), pursuant to which the Borrower has requested the Public Body to participate in the financing of the costs of the acquisition of a facility located or to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the Public Body of its bonds in an aggregate principal amount not to exceed Two Million Eight Hundred Thousand Dollars (\$2,800,000), pursuant to and in accordance with the Act.

The acquisition of the Facility will consist of and include (without limit):

(1) the acquisition of a tract of land containing approximately ten (10) acres, located at the north corner of the intersection of Metro Drive and Northern Parkway, consisting of the southern portion of the property shown as Block 4286-B, Section 2 of Ward 28, in the Seton Business Park in Baltimore City,

(2) the construction of improvements consisting of a 100,000 (approx.) square foot one story building thereon,

(3) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, and

(4) the acquisition of such other interests in real and/or personal property incidental, necessary or convenient in connection with the foregoing.

The Facility will be owned by the Borrower and leased to Polk Audio, Inc., a Maryland corporation (the "Facility User"), for use as a manufacturing, office, warehouse and distribution facility in its business of the manufacturing and distribution of loudspeaker systems and accessories.

The acquisition of the Facility will bring a new business to Baltimore City, and will result in the increase of a number of new jobs in Baltimore City, as set forth in the Letter of Intent and in the Application.

The Public Body, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its bonds in an aggregate principal amount not to exceed Two Million Eight Hundred Thousand Dollars (\$2,800,000) (the "Bonds"). The proceeds of the Bonds shall be applied in accordance with Sections 266D(a) and (b) of the Act and this Resolution.

The Letter of Intent expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the Public Body's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the Public Body reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

The word "bonds" shall have the meaning indicated in the Act and includes bond anticipation notes issued in anticipation of the issuance and sale of the bonds, and it is intended that the provisions of this Resolution applying to "bonds" and "Bonds" shall include such bond anticipation notes, and any refunding bonds issued to refund any bonds or bond anticipation notes issued pursuant

to this Resolution, and shall include separate series of bonds, whether issued at the same time or at different times, unless the context clearly requires a contrary meaning. Words and terms used in this Resolution (including these Recitals) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The Borrower is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility User will be a "facility user" as defined in the Act; the Facility is a "facility" within the meaning of the Act; the Letter of Intent is a "letter of intent" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

(2) The issuance and sale of the Bonds by the Public Body, pursuant to the provisions of the Act, in order to make the proceeds thereof available to the Borrower for the purpose of financing the acquisition of the Facility, including the necessary expenses of preparing, printing, selling and issuing the Bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition will facilitate and expedite the acquisition of the Facility.

(3) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(4) The Bonds and the interest thereon will be limited obligations of the Public Body, and the principal of, premium, if any, and interest thereon shall be payable solely from the revenues received in connection with the financing of the Facility or from any other moneys made available to the Public Body for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the bonds in anticipation of which such notes were issued. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Public Body within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Public Body.

(5) Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, or interest on the Bonds will be commingled with the Public Body's funds or will be subject to the absolute control of the Public Body, but will be subject only to such limited supervision and checks and the Public Body shall retain only those rights as it deems necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purpose of the Act and this

Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The Facility does not constitute a capital project of the Public Body within the meaning of any statutory or charter provision. The acquisition of the Facility will achieve the public purposes of the Act.

(6) In compliance with Executive Order 01.01.1985.01, Proclamation on Private Activity Bond Allocations for 1985 and Later, by Harry Hughes, Governor of the State of Maryland and based upon information contained in the Application: (a) the Public Body has considered the feasibility of conventional financing on reasonable terms to finance the Facility; (b) the Public Body has considered the competitive effect of the the issuance of the Bonds on other business entities conducting similar businesses in Baltimore City; and (c) the Public Body has considered the necessity for the issuance of the Bonds to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further resolved*, That this Resolution, among other things, evidences the present intent of the Public Body to issue, sell and deliver the Bonds in accordance with the terms and provisions of this Resolution. The Mayor of the Public Body (the "Mayor") is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the Public Body in order to further evidence the present intent of the Public Body to issue and sell the Bonds in accordance with the terms and provisions of this Resolution. The Public Body intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The Public Body and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Facility prior to satisfaction of the conditions described in Section 9 hereof, the Borrower does so at its own risk.

SEC. 3. *And be it further resolved*, That the Public Body is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not exceeding Two Million Eight Hundred Thousand Dollars (\$2,800,000), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation note are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provision for the payment of which has been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account in determining the aggregate principal amount of bonds issued, sold and delivered pursuant to this Resolution.

SEC. 4. *And be it further resolved*, That the Bonds shall mature not later than 30 years from their date of issuance.

SEC. 5. *And be it further resolved*, That the Public Body will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of a loan

agreement (within the meaning of the Act) or a financing agreement (the "Loan Agreement"), to be used by the Borrower for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, which Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the Public Body to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. *And be it further resolved*, That the Public Body reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the Public Body in order to insure that the Public Body (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Act, Section 103(n) of the Code and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the Public Body determines, in its sole and absolute discretion, will provide the greatest benefit to the Public Body.

In particular, since the Public Body may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the Public Body reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the Public Body reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the Public Body, in its sole and absolute discretion, in order to insure that the Public Body achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it further resolved*, That the Bonds shall be executed in the name of the Public Body and on its behalf by the Mayor, by his manual or facsimile signature, and by the Director of Finance of the Public Body, by his manual or facsimile signature, and the corporate seal of the Public Body or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Mayor, the Director of Finance of the Public Body, the Custodian of the City Seal and other officials of the Public Body are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, seal and deliver on behalf of the Public Body such documents and certificates, including (without limitation) the Loan Agreement, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution.

SEC. 8. *And be it further resolved*, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other price as

the Board of Finance or the Mayor, with the consent of the Borrower, deems appropriate, or may be sold at a public sale, at par, above par or below par, with the consent of the Borrower, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interests of the Public Body.

SEC. 9. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, or any series thereof, the Board of Finance by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, or the Mayor, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

(2) shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities for the Bonds;

(3) may appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

(4) shall approve the form and contents of, and execute and deliver (where applicable), the Loan Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the Public Body is a party and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

(5) may prepare and distribute, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters or placement agents for the Bonds of any series, both a preliminary and a final official statement, offering memorandum or other similar document in connection with the sale of the Bonds of any series, if determined to be necessary or desirable in connection with the sale of the Bonds;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Board of Finance or the Mayor;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(8) may determine the method, and shall approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution;

(9) shall provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the Public Body in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the Public Body) performing services by or on behalf of the Public Body in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of

any appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds, and for the payment of interest on the Bonds during the period of construction of the Facility and during such limited period thereafter, as the Board of Finance or the Mayor deems reasonable; and

(12) may specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and the Board of Finance or the Mayor may do any and all things appropriate for the authorization, sale, security, issuance, delivery or payment of or for the Bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. *And be it further resolved*, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 9 hereof, and the Mayor is hereby authorized and empowered to execute and deliver one or more executive orders from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, the Loan Agreement, any trust agreement or similar agreement and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each such supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution, and the documents executed in connection with the Bonds and then in effect.

SEC. 11. *And be it further resolved*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 12. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person

or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further resolved*, That either the Bonds or any bond anticipation notes must be issued and sold within six (6) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such six month period, or (b) the Board of Finance, after a showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such six month period, may extend the period during which either the Bonds or any bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six month period expires. The Board of Finance or the Mayor shall have the sole and absolute discretion without action by the City Council of the Public Body to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension of the first six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the Public Body to issue and sell the Bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue Bonds, as contained in this Resolution, shall not affect the present intent of the Public Body to issue the Bonds, as described in Section 2 hereof.

SEC. 14. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the Public Body who votes in favor of, or against, the adoption of this Resolution, and the Mayor, by his approval or veto of this Resolution, hereby certifies under penalty of perjury, that the allocation granted to the Borrower by the Public Body of any volume cap of the State has not been made in consideration of any gift, gratuity, bribe or direct or indirect contribution to any political campaign.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect on the date of its approval by the Mayor.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 29

(Council No. 802)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
(CRISAM FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore, to issue and sell its bonds, as its limited obligations and not upon its faith and credit or pledge of its taxing power, in one or more series, in an aggregate principal amount not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000), pursuant to the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs of a certain facility in Baltimore City consisting of the acquisition of a leasehold or fee simple interest in real property containing approximately four (4) acres located in the 4800 block of West Northern Parkway at the north corner of the intersection of Seton Drive and West Northern Parkway, being the western portion of the lot bounded by Seton Drive, Metro Drive and West Northern Parkway in the Seton Business Park in Baltimore City, the construction of improvements consisting of a 20,000 (approx.) square foot one story office building thereon, and the purchase and installation of certain machinery and equipment to be used therein, AND THE ACQUISITION OF SUCH OTHER INTERESTS IN REAL AND/OR PERSONAL PROPERTY INCIDENTAL, NECESSARY OR CONVENIENT IN CONNECTION WITH THE AFOREGOING, to be owned by CRISAM Limited Partnership, a Maryland limited partnership and leased to CRI International, Inc., a Maryland corporation, for use as an office and research and development facility in its business of providing products and services to the petroleum industry, including, catalyst regeneration, catalyst handling and catalyst trading; specifying and describing the facility to be financed; describing generally the public purposes to be served and the financing transaction to be accomplished; specifying the maximum aggregate principal amount of bonds that may be issued; authorizing the Board of Finance of the City by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; authorizing the Mayor of the City, by executive order or otherwise, to do any or all of the foregoing; making certain legislative findings; and specifying and describing various matters in connection therewith, as required or permitted by such Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended (the

"Act"), provides that in order to accomplish the legislative policy of the Act, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time or from time to time, in one or more series for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

Mayor and City Council of Baltimore, a body corporate and politic, and a political subdivision of the State of Maryland (the "State") and a public body (as defined in the Act) (the "Public Body"), has received a letter of intent dated May 3, 1985, as amended (the "Letter of Intent"), from CRISAM Limited Partnership, a Maryland limited partnership (the "Borrower") and an Application dated May 3, 1985 (the "Application"), pursuant to which the Borrower has requested the Public Body to participate in the financing of the costs of the acquisition of a facility located or to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the Public Body of its bonds in an aggregate principal amount not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000), pursuant to and in accordance with the Act.

The acquisition of the Facility will consist of and include (without limit):

(1) the acquisition of a leasehold or fee simple interest in a tract of land containing approximately four (4) acres, located in in the 4800 block of West Northern Parkway, at the north corner of the intersection of Seton Drive and West Northern Parkway, being the western portion of the lot bounded by Seton Drive, Metro Drive and West Northern Parkway in the Seton Business Park in Baltimore City,

(2) the construction of improvements consisting of a 20,000 (approx.) square foot one story office and research and development building thereon,

(3) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, and

(4) the acquisition of such other interests in real and/or personal property incidental, necessary or convenient in connection with the foregoing.

The Facility will be owned by the Borrower and leased to CRI International, Inc., a Maryland corporation (the "Facility User"), for use as an office and research development facility in its business of providing products and services to the petroleum industry, including catalyst regeneration, catalyst handling and catalyst trading.

The acquisition of the Facility will expand and add new services to be provided by a business in Baltimore City and will result in the increase of a number of new jobs in Baltimore City, as set forth in the Letter of Intent and in the Application.

The Public Body, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its bonds in an aggregate principal amount not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000) (the "Bonds"). The proceeds of the Bonds shall be applied in accordance with Sections 266D(a) and (b) of the Act and this Resolution.

The Letter of Intent expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the Public Body's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the Public Body reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

The word "bonds" shall have the meaning indicated in the Act and includes bond anticipation notes issued in anticipation of the issuance and sale of the bonds, and it is intended that the provisions of this Resolution applying to "bonds" and "Bonds" shall include such bond anticipation notes, and any refunding bonds issued to refund any bonds or bond anticipation notes issued pursuant to this Resolution, and shall include separate series of bonds, whether issued at the same time or at different times, unless the context clearly requires a contrary meaning. Words and terms used in this Resolution (including these Recitals) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The Borrower is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility User will be a "facility user" as defined in the Act; the Facility is a "facility" within the meaning of the Act; the Letter of Intent is a "letter of intent" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

(2) The issuance and sale of the Bonds by the Public Body, pursuant to the provisions of the Act, in order to make the proceeds thereof available to the Borrower for the purpose of financing the acquisition of the Facility, including the necessary expenses of preparing, printing, selling and issuing the Bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition will facilitate and expedite the acquisition of the Facility.

(3) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(4) The Bonds and the interest thereon will be limited obligations of the Public Body, and the principal of, premium, if any, and interest thereon shall be payable solely from the revenues received in connection with the financing of the Facility or from any other moneys made available to the Public Body for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the bonds in anticipation of which such notes were issued. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Public Body within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Public Body.

(5) Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, or interest on the Bonds will be commingled with the Public Body's funds or will be subject to the absolute control of the Public Body, but will be subject only to such limited supervision and checks and the Public Body shall retain only those rights as it deems necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The Facility does not constitute a capital project of the Public Body within the meaning of any statutory or charter provision. The acquisition of the Facility will achieve the public purposes of the Act.

(6) In compliance with Executive Order 01.01.1985.01, Proclamation on Private Activity Bond Allocations for 1985 and Later, by Harry Hughes, Governor of the State of Maryland and based upon information contained in the Application: (a) the Public Body has considered the feasibility of conventional financing on reasonable terms to finance the Facility; (b) the Public Body has considered the competitive effect of the issuance of the Bonds on other business entities conducting similar businesses in Baltimore City; and (c) the Public Body has considered the necessity for the issuance of the Bonds to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further resolved*, That this Resolution, among other things, evidences the present intent of the Public Body to issue, sell and deliver the Bonds in accordance with the terms and provisions of this Resolution. The Mayor of the Public Body (the "Mayor") is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the Public Body in order to further evidence the present intent of the Public Body to issue and sell the Bonds in accordance with the terms and provisions of this Resolution. The Public Body intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations

prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The Public Body and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Facility prior to satisfaction of the conditions described in Section 9 hereof, the Borrower does so at its own risk.

SEC. 3. *And be it further resolved*, That the Public Body is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not exceeding Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation note are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provision for the payment of which has been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account in determining the aggregate principal amount of bonds issued, sold and delivered pursuant to this Resolution.

SEC. 4. *And be it further resolved*, That the Bonds shall mature not later than 30 years from their date of issuance.

SEC. 5. *And be it further resolved*, That the Public Body will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of a loan agreement (within the meaning of the Act) or a financing agreement (the "Loan Agreement"), to be used by the Borrower for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, which Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the Public Body to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. *And be it further resolved*, That the Public Body reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the Public Body in order to insure that the Public Body (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Act, Section 103(n) of the Code and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the Public Body determines, in its sole and absolute discretion, will provide the greatest benefit to the Public Body.

In particular, since the Public Body may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the Public Body reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the Public Body reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the

Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the Public Body, in its sole and absolute discretion, in order to insure that the Public Body achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it further resolved*, That the Bonds shall be executed in the name of the Public Body and on its behalf by the Mayor, by his manual or facsimile signature, and by the Director of Finance of the Public Body, by his manual or facsimile signature, and the corporate seal of the Public Body or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Mayor, the Director of Finance of the Public Body, the Custodian of the City Seal and other officials of the Public Body are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, seal and deliver on behalf of the Public Body such documents and certificates, including (without limitation) the Loan Agreement, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution.

SEC. 8. *And be it further resolved*, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other price as the Board of Finance or the Mayor, with the consent of the Borrower, deems appropriate, or may be sold at a public sale, at par, above par or below par, with the consent of the Borrower, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interests of the Public Body.

SEC. 9. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, or any series thereof, the Board of Finance by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, or the Mayor, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

(2) shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities for the Bonds;

(3) may appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

(4) shall approve the form and contents of, and execute and deliver (where applicable), the Loan Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the Public Body is a party and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

(5) may prepare and distribute, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters or placement agents for the Bonds of any series, both a preliminary and a final official statement, offering memorandum or other similar document in connection with the sale of the Bonds of any series, if determined to be necessary or desirable in connection with the sale of the Bonds;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Board of Finance or the Mayor;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(8) may determine the method, and shall approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution;

(9) shall provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the Public Body in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the Public Body) performing services by or on behalf of the Public Body in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of any appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds, and for the payment of interest on the Bonds during the period of construction of the Facility and during such limited period thereafter, as the Board of Finance or the Mayor deems reasonable; and

(12) may specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and the Board of Finance or the Mayor may do any and all things appropriate for the authorization, sale, security, issuance, delivery or payment of or for the Bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. *And be it further resolved*, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 9 hereof, and the Mayor is hereby authorized and empowered to execute and deliver one or more executive orders from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, the Loan Agreement, any trust agreement or similar agreement and all other documents approved by such resolution or resolutions or executive order or executive orders, provided

that each such supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution, and the documents executed in connection with the Bonds and then in effect.

SEC. 11. *And be it further resolved*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 12. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further resolved*, That either the Bonds or any bond anticipation notes must be issued and sold within six (6) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such six month period, or (b) the Board of Finance, after a showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such six month period, may extend the period during which either the Bonds or any bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six month period expires. The Board of Finance or the Mayor shall have the sole and absolute discretion without action by the City Council of the Public Body to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension of the first six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the Public Body to issue and sell the Bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue Bonds, as contained in this Resolution, shall not affect the present intent of the Public Body to issue the Bonds, as described in Section 2 hereof.

SEC. 14. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the Public Body who votes in favor of, or against, the adoption of this Resolution, and the Mayor, by his approval or veto of this Resolution, hereby certifies under penalty of perjury, that the allocation granted to the Borrower by the Public Body of any volume cap of the State has not been made in consideration of any gift, gratuity, bribe or direct or indirect contribution to any political campaign.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect on the date of its approval by the Mayor.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 30

(Council No. 818)

A RESOLUTION concerning

THE ISSUANCE OF BONDS TO FINANCE THE LOAN OF FUNDS
FOR THE RENOVATION AND EXPANSION OF THE PLAZA
AND THE EXISTING ONE AND TWO STORY BUILDINGS
BETWEEN THE NORTH AND SOUTH TOWERS OF
TWO CHARLES CENTER

FOR the purpose of indicating the intent of Mayor and City Council of Baltimore to issue bonds in an aggregate principal amount not to exceed Six Hundred Thousand Dollars (\$600,000) to be used for the public purpose of financing, in whole or in part, the construction, renovation and expansion of Charles Plaza AND THE EXISTING ONE AND TWO STORY BUILDINGS BETWEEN THE NORTH AND SOUTH TOWERS OF TWO CHARLES CENTER, a property lying generally southwest of the corner of Charles and Saratoga Streets, pursuant to Articles XI-G and XI-I of the Constitution of Maryland, and Article II, Subsections (50), (57) and (59) of the Charter of Baltimore City; and providing for further proceedings in connection with the issuance of the bonds and the description of such land and improvements.

RECITALS

Pursuant to Article XI-G of the Constitution of Maryland (the "Constitution") and Article II, Subsection (59) ("Subsection 59") of the Charter of Baltimore City (1964 Rev., as amended) (the "Charter"), the Mayor and City Council of Baltimore (the "City") is authorized to use the proceeds of any debt of the City created under Article XI, Section 7 of the Constitution ("G.O. Debt") to make or contract to make financial loans to any person or other legal entity to be used for or in connection with the construction, reconstruction, erection, development, rehabilitation, renovation, redevelopment or improvement of buildings or structures located within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for commercial purposes.

Pursuant to Article XI-I of the Constitution and Subsection 59, the City is authorized to use the proceeds of G.O. Debt to make or contract to make financial loans to any person or other legal entity to be used for or in connection with the construction, reconstruction, development, redevelopment, rehabilitation, renovation, modernization or improvement of buildings or structures, including any land necessary therefor, within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for industrial purposes.

Pursuant to Article II, Subsection (50) of the Charter, the City has full power and authority to borrow money to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City and in connection therewith to issue bonds or other obligations, payable as to principal and interest, solely from and secured solely by a pledge of revenues derived from the property and improvements whose financing is supported by the issuance of such bonds or other obligations and from contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of such bonds or other obligations.

Pursuant to Article II, Subsection (57) of the Charter, the City is authorized to make or contract to make, from funds available to the City pursuant to Article XI-I of the Constitution, financial loans to any person or other legal entity to be used for or in connection with the construction, reconstruction, rehabilitation, renovation, redevelopment or improvement of buildings or structures, located within the boundaries of Baltimore City, which buildings or structures are to be used or occupied for industrial purposes.

The City considers the making of a loan to Charles Plaza Limited Partnership ("CPLP") for the reconstruction, redevelopment, rehabilitation, renovation, and expansion of the plaza AND THE EXISTING ONE AND TWO STORY BUILDINGS between the North and South towers of Two Charles Center (the PLAZA AND BUILDINGS TOGETHER CONSTITUTING THE "Charles Plaza"), to be needed and exercised for a public use under Articles XI-I and XI-G of the Constitution.

The City considers that the buildings and structures to be reconstructed, rehabilitated, renovated, redeveloped and expanded at Charles Plaza, will be used or occupied for commercial purposes, under Article XI-G of the Constitution and Subsection 59, and industrial purposes, under Article XI-I of the Constitution, Subsection 59 and Article II, Subsection (57) of the Charter.

The City considers that the financing connected with the issuance of the Bonds (hereinafter defined) shall be undertaken for the accomplishment of purposes, objects and powers of the City as authorized and permitted under Article II, Subsection (50) of the Charter.

The City is desirous of proceeding with the issuance of the Bonds (hereinafter defined) and making certain determinations as authorized and permitted by the Legislation (hereinafter defined).

Articles XI-G and XI-I of the Constitution and Subsections (50), (57) and (59) of the Charter are collectively referred to as the "Legislation".

Now, therefore, *be it resolved and ordered by the Mayor and City Council of Baltimore, That:*

SECTION 1. The City intends to issue and sell its bonds (the "Bonds") pursuant to the provisions of the Legislation in a principal amount, not to exceed Six Hundred Thousand Dollars (\$600,000), sufficient to (i) pay the cost of financing the loan to CPLP for the renovation, rehabilitation, redevelopment and expansion of Charles Plaza, (ii) pay the costs incident to the authorization, sale and issuance of the Bonds (including, without limitation, the costs of engraving, printing, advertising and attorneys' fees), or (iii) any combination of the above.

SEC. 2. Although the City currently anticipates issuing the Bonds pursuant to the Legislation, the City reserves the right to issue the Bonds pursuant to any other public general or public local law which may be then in effect. Therefore, all references to the Legislation in this resolution shall be deemed to include any present or future public general or public local law pursuant to which the City shall have the power to issue the Bonds.

SEC. 3. The proceeds of the Bonds will (i) be used by the City to finance the loan to CPLP for the renovation, rehabilitation, redevelopment, and expansion of Charles Plaza, (ii) to be used in connection with any other financing structure permitted by the Legislation for the renovation, rehabilitation, redevelopment and expansion of Charles Plaza, or (iii) be used in connection with any combination of the above.

SEC. 4. The City intends to adopt such resolutions, to take such other actions, and to authorize the execution and delivery of such documents as may be necessary or desirable for (i) the final authorization, issuance, and sale of the Bonds, (ii) the financing of the loan for the renovation, rehabilitation, redevelopment and expansion of Charles Plaza.

SEC. 5. The City intends to take or cause to be taken such other acts and to adopt such further proceedings as may be required to implement the aforesaid undertakings or as it may deem appropriate in the pursuance thereof. The City intends that this resolution shall constitute "some other similar official action" toward the issuance of the Bonds within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations promulgated by the United States Treasury Department.

SEC. 6. All actions, proceedings and determinations intended or authorized to be taken, adopted or made by the City pursuant to this resolution, shall be taken, adopted or made by the Board of Finance of the City, as authorized by the Charter, it being the intention of the Mayor and City Council of the City that the Board of Finance of the City exercise to the fullest extent thereof the authority delegated to the Board of Finance in the Charter.

SEC. 7. The provisions of this resolution are severable, and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability, shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this resolution would have been adopted if such illegal, invalid, un-

constitutional or inapplicable provision, sentence, clause, section or part had not been included therein, as if the person or circumstances to which this resolution or any part thereof is inapplicable had been specifically exempted therefrom.

SEC. 8. This resolution shall take effect from the date of its approval by the Mayor of the City.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 31

(Council No. 867)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS –
(HOME FOR INCURABLES OF BALTIMORE CITY PROJECT)**

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its Economic Development Revenue Bonds, to be designated "Baltimore City, Maryland Economic Development Revenue Bonds (Home for Incurables of Baltimore City Project)", in the aggregate principal amount not to exceed \$3,000,000, pursuant to Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with one or more of the following (i) the construction of a four story (plus basement) addition to Coggins Building of approximately 44,000 square feet (the "Building") on an approximately 7.2 acre parcel of land located at 700 W. 40th Street, Baltimore, Maryland 21211 to be used as a chronic care and nursing home facility and for related outpatient day care, physical therapy and occupational therapy facilities, (ii) the acquisition and installation in the building of certain machinery and equipment and other improvements as may be necessary or useful in connection with the operation of the building and (iii) the acquisition of such interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities (collectively the "Project"), and (if necessary) the funding of reserves and payment of interest on such bonds, making certain legislative findings; authorizing the loan of the proceeds of the Bonds to Home for Incurables of Baltimore City (the "Borrower"); authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall (a) specify, prescribe, determine, provide for or approve certain details, forms,

documents or procedures in connection with the Bonds issued hereunder and the loan of the proceeds of such bonds to the borrower and any other matters necessary or desirable in connection with the authorization, issuance, sale and payment of such revenue bonds, including, but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds and, in the alternative, that the Mayor of the City shall be authorized to approve, by executive order, all matters delegated for approval to the Board of Finance; authorizing the Mayor of the City to accept the Letter of Intent from the Borrower dated May 22, 1985; providing that the authorization for the issuance of bonds hereunder shall be of limited duration and for one six month extension of such authorization; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement) (the "Act") constitutes those provisions of Maryland law authorizing the issuance of industrial development revenue bonds by all the counties and municipalities of the State of Maryland (the "State").

The Act empowers the counties and municipalities of the State to issue revenue bonds, bond anticipation notes, notes in the nature of commercial paper and other instruments, certificates or evidences of obligation and to loan the proceeds of the sale of such revenue bonds to a facility applicant (as defined in the Act) to finance the acquisition (as that term is defined in the Act) by such facility applicant of a facility (as that term is defined in Section 266A of the Act). The Act declares it to be its legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and commerce and a balanced economy in the State, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction or abatement of pollution of the environment and the utilization and disposal of wastes (where the proceeds of such bonds are used for such purpose), to promote economic development, to protect natural resources and encourage resource recovery and, generally, to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

The City has received a letter of intent (as contemplated by Section 266A(h) of the Act) dated May 22, 1985 (the "Letter of Intent"), from Home for Incurables of Baltimore City, a Maryland non-profit corporation and a facility applicant (as defined in the Act), and a facility user (as defined in the Act) (hereinafter referred to as the "Borrower") pursuant to which the Borrower has requested the City to participate in the financing of the acquisition (within the meaning of the Act) by the Borrower of a facility (within the definition of the Act) to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the City

of its Baltimore City, Maryland Economic Development Revenue Bonds (Home for Incurables of Baltimore City Project) (the "Bonds"), in an aggregate principal amount not exceeding \$3,000,000, and by loaning the proceeds of the Bonds to the Borrower upon the terms and conditions of one or more loan or other agreements to be entered into between the City and the Borrower (collectively, the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan").

The Facility will consist generally of the following (i) the construction of an addition to the Coggins Building of approximately 44,000 square feet (the "Building") on a 7.2 acre parcel of land located at 700 W. 40th Street, Baltimore, Maryland 21211 to be used as a chronic care hospital, nursing home and related day care and occupational and physical therapy and other facilities, (ii) the acquisition and installation in the Building of certain machinery and equipment and other improvements therein as may be necessary or useful in connection with the operation of the Facility User's business, and (iii) the acquisition of such interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. The Facility will be owned and used by the Borrower.

The City has determined to accept the Letter of Intent, to issue and sell Bonds in an aggregate principal amount not exceeding \$3,000,000 and to lend the proceeds of the Bonds to the Borrower on the terms and conditions to be set forth in the Loan Agreement in order to help finance the acquisition of the Facility by the Borrower.

As security for the Bonds, the City will, for each series of the Bonds, enter into either (a) a Trust Agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") or the Mayor of the City (the "Mayor") as provided herein or (b) an Assignment and Security Agreement or other similar agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser"), and, if appropriate, a trustee or trustees (which may be the Original Purchaser) (collectively, the "Project Fund Trustee"). Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser or other applicable party, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) all security referred to therein, excepting only the rights of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, and (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds.

The Trust Agreement or the Assignment and the Loan Agreement may be combined into one agreement (a "Financing Agreement"). All references to Trust Agreement, Assignment and Loan Agreement herein shall also mean and refer to a Financing Agreement.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance of the Bonds by the City pursuant to the Act in order to loan the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the Borrower's acquisition (as that term is used in the Act) of the Facility and to pay the costs of preparing, printing and selling the Bonds, to fund reserves, to pay interest on the Bonds and to pay other costs permitted by the Act, will facilitate and expedite the acquisition of the Facility by the Borrower.

(b) The accomplishment of the transactions contemplated and authorized by this Resolution will (i) sustain jobs and employment opportunities and aid in maintaining employment, thus relieving conditions of unemployment in the State and in the City; (ii) encourage the increase of industry and commerce and a balanced economy in the State and in the City; (iii) promote economic development; and (iv) generally promote the health, welfare and safety of the residents of the State and of the City.

(c) In addition to authorizing the City itself to acquire the Facility and either to lease or to sell such Facility to the Borrower or the Facility User or to otherwise accomplish the financing of the acquisition, the Act also authorizes the financing of the Facility to be accomplished in the form of a loan to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the construction, ownership or administration of the Facility; it permits, however, controls to be imposed on the use of the proceeds of the sale of the Bonds to insure that the public purposes of the Act and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Facility by a loan of the Bond proceeds to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds.

(d) Neither the Bonds nor the interest thereon shall ever constitute a pledge of, or involve the faith and credit or the taxing power of, the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City and shall be fully negotiable, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, and from any other moneys made available to the City for such purposes. The proceeds of the Bonds will be paid directly to (a) the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or (b) if deemed appropriate by the Board or the Mayor, by the Project Fund Trustee as provided in the Assignment or, (c) if deemed appropriate by the Board or the Mayor, the Borrower. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board or the Mayor. No such moneys will be commingled

with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The loan form of the transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Act are to be achieved by facilitating the acquisition and installation of the Facility by the Borrower.

(e) The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligation of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the revenue bonds as the Board may provide for and approve in ~~the Resolution~~ A RESOLUTION OR AS THE MAYOR MAY APPROVE, (c) revenues from or arising in connection with securities or contracts purchased or otherwise acquired with or in connection with the Bonds and (d) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board or the Mayor may approve.

SEC. 2. *And be it further resolved*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Economic Development Revenue Bonds (Home for Incurables of Baltimore City Project), in the aggregate principal amount not to exceed \$3,000,000, subject to the provisions of this Resolution.

SEC. 3. *And be it further resolved*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bond (Home for Incurables of Baltimore City Project)", provided that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution or the Mayor may prescribe (e.g. "1985 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board or the Mayor as provided herein.

SEC. 4. *And be it further resolved*, That the definitive Bonds, which may be engraved, printed or typewritten, including the Trustee's certificate of authentication if any, to be endorsed thereon, SHALL BE IN SUCH FORM, not inconsistent with the Act and the provisions of this Resolution, as the Board or the Mayor may approve.

SEC. 5. *And be it further resolved*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal, by his manual or facsimile signature, as permitted by law. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf

by the Mayor of the City by his manual or facsimile signature, and, if applicable, the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal by his manual or facsimile signature, as required by law. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board or the Mayor may determine to be necessary to carry out and comply with the provisions hereof.

SEC. 6. *And be it further resolved*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$3,000,000 as the Board or the Mayor shall prescribe.

SEC. 7. *And be it further resolved*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board or the Mayor shall prescribe.

SEC. 8. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt a resolution pursuant to which the Board is hereby authorized to specify, determine, provide for or approve, all or any of the following matters, details, forms, documents or procedures in connection with the Loan and the Bonds:

(a) The terms and provisions of the Bonds, including, without limitation, the principal amount of the Bonds, the maturity or maturities of the Bonds, the rate or rates of interest the Bonds are to bear and the redemption provisions of the Bonds;

(b) The form and tenor of the Bonds, including the determination as to whether the Bonds shall be issued in one or more series, the form in which the Bonds are issued, and the designation of each series of Bonds;

(c) The terms and provisions and form of the Loan Agreement between the City and the Borrower and the terms and provisions and form of any notes or other evidences of obligation issued by the Borrower pursuant to the Loan Agreement;

(d) The terms and provisions and form of the Assignment or Trust Agreement by which the City assigns AND transfers, without recourse, all of its rights, title and interest in and to, and remedies with respect to (except for certain rights to indemnification and to payment of administrative expenses of the City, including any enforcement remedies available to the City with respect thereto) the receipts and revenues of the City from the Loan as set forth in Section 1 hereof:

(e) The determination as to whether the proceeds of the Bonds shall be paid directly to the Borrower or paid to, and disbursed by, a trustee or trustees or

agent for the benefit of the holders of the Bonds, if any such agent, trustee or trustees is appointed, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such a capacity or a similar capacity;

(f) The determination as to whether the Loan payments shall be made directly to the holder or holders of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such capacity or a similar capacity;

(g) The determination as to whether the assignment of the receipts and revenues of the City from the Loan should be made directly to the holder of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee, or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution regularly serving in such capacity or a similar capacity;

(h) The form of, and the terms and provisions of any mortgage, deed of trust, assignment of leases or security agreement or other security instrument covering the Facility or any portion thereof or any interest therein or any other property as security for the Loan or the Bonds;

(i) The terms and the provisions of any contract, agreement, trust or other instrument (including, without limitation, any guaranty agreement) which it deems necessary or appropriate in connection with the issuance, sale and delivery of the Bonds, the making of the Loan and the acquisition of the Facility;

(j) A determination of the identity of any investment banker, underwriter, placement agents or other broker to be employed by or on behalf of the City in connection with the issuance, sale and delivery of the bonds and the form of any preliminary and final official statement issued in connection with any public offering of the Bonds or any offering memorandum or other official informational document prepared in connection with any private placement of the Bonds;

(k) The determination of the date, time and place when any purchase agreement or proposal shall be submitted for the Bonds, the terms or provisions of any such agreement or proposal and such other matters as the underwriters, investment bankers or other placement agents employed in connection with the issuance of the Bonds may request; and

(l) Such other matters, details, forms, documents or procedures as he may deem appropriate or desirable to the sale, security, issuance, delivery or payment of or for the Bonds for the Loan, including, without limitation, the creation of security for the Bonds and the Loan and provision for the administration of the Bonds, such as trusts or other instruments with banks or trust companies regarding countersignature or delivery of the Bonds or security for the Bonds or the Loan.

SEC. 9. *And be it further resolved*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the tax-

ing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board or the Mayor, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose.

SEC. 10. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds for the benefit of the Borrower. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the issuance of the Bonds, the Borrower does so at its own risk.

SEC. 11. *And be it further resolved*, That it is hereby found and determined that the best interests of the City will be served by selling the Bonds, at par, at private (negotiated) sale as authorized by the Act, upon the terms and conditions determined by the Board or the Mayor subject to the terms of this Resolution provided, however, that the Bonds may be sold at public (competitive) sale or below or above par (with the consent of the Borrower) if the Board or the Mayor determines that it is the best interests of the City, to sell the Bonds at a public (competitive) sale or sale above or below par.

SEC. 12. *And be it further resolved*, That, in lieu of a resolution of the Board of Finance, the Mayor of the City is hereby authorized to approve or prescribe, by Executive Order, any matters which the Board is authorized to approve or prescribe pursuant to this Resolution.

SEC. 13. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and State laws in effect at the time of issuance of the Bonds which may restrict the issuance of bonds, and (b) issues its bonds (within the meaning of the Act and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

SEC. 14. *And be it further ~~ordained~~ RESOLVED*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition and installation of any portion of the Facility (other than the acquisition and installation of equipment only) to the Department of Housing and Community Development and the Department of Planning for approval, and that the Department of Housing and Community Development and the Department of Planning may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) With respect to such portion of the Facility, the Borrower will work with the design advisory group appointed by the Department of Housing and Community Development and the Department of Planning in order to achieve high quality site, building and landscape design.

SEC. 15. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 16. *And be it further resolved*, That, this Resolution is intended to be, and shall constitute, a commitment by the City to the Borrower to issue and deliver the Bonds authorized hereby in accordance with the terms hereof, provided however, that if no Bonds have been issued pursuant to this Resolution within six months after the effective date of this Resolution or prior to December 31, 1985, whichever first occurs, the authority and commitment of the City to issue the Bonds granted hereunder shall end; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Resolution. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 17. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 32

(Council No. 868)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(HOLABIRD PARK LIMITED PARTNERSHIP FACILITY)

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in the aggregate principal amount not to exceed \$800,000 pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Holabird Park Limited Partnership, a Maryland limited partnership, of a certain facility in Baltimore City consisting of the acquisition of real property containing approximately 1.98 acres of land located in the Holabird Park Industrial Park, the construction of certain improvements thereon and the purchase and installation of certain machinery and equipment and any and all other improvements therein, as may be necessary or useful in connection with the operation of the improvements to be owned by Holabird Park Limited Partnership and to be leased to Clean Air Heating & Air Conditioning Co., Inc. a Maryland corporation, and other tenants; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 21, 1985 from Holabird Park Limited Partnership and Clean Air Heating & Air Conditioning, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedure appropriate to the authorization, sale, security, issuance, delivery or payment of or for such bonds; providing that Holabird Park Limited Partnership shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), pro-

vides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purpose of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;

(2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;

(3) specify the maximum principal amount of the bonds that may be issued; and

(4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

(1) its finance board (as defined in the Act), by resolution; or

(2) its chief executive officer (as defined in the Act), by executive order or otherwise; or

(3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

The Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated May 21, 1985 (the "Letter of Intent") from Holabird Park Limited Partnership, a Maryland limited partnership (the "Facility Applicant") and Clean Air Heating & Air Conditioning, Inc., a Maryland corporation (a "Facility User"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$800,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's and a Facility User's intentions to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law

enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of a tract of land containing approximately 1.98 acres, located in the Holabird Industrial Park in Baltimore City, (b) the construction of an approximately 24,000 square foot building thereon for warehouse and office space use, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Facility will be owned by the Facility Applicant and leased to a Facility User and other tenants (the "Facility Users") for use by the Facility Users in their respective businesses.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$800,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the City and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Users upon the terms and conditions of one or more leases to be entered into between the City and the Facility Users (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" within the meaning of the Act.
- (3) The Facility Users each will be a "facility user" within the meaning of the Act.
- (4) The Facility is a "facility" within the meaning of the Act.
- (5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (6) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (9) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.
- (10) Based on information provided to the City by the Facility Applicant, and a Facility User, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant and a Facility User within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.
- (11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$800,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Users pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$800,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Sec-

tion 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial or economic development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial or economic development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Project to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually

subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the is-

suance, sale, and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such

period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 33

(Council No. 869)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS
(SILVERS & ASSOCIATES PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in an aggregate principal amount not to exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000), (the "Bonds") pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I inclusive, of the Annotated Code of Maryland (1982 Replacement Volume, 1984 Cumulative Supplement), as amended, (the "Act") for the purpose of financing the acquisition and installation of a Heidelberg Six-Color Printing Press and a Heidelberg Two-Color Printing Press to be located in Cross Roads Industrial Park at 2717 Wilmarco Avenue, in Baltimore City (all of the foregoing collectively the "Facility"), and to be owned by Silvers & Associates, a Maryland general partnership, (the "Facility Applicant"), which Facility will be leased to Garamond/Pridemark Press, Inc., a Maryland corporation; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 23, 1985 to the City, as amended to date; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and

delivery of any series of the Bonds, to (a) approve the issuance of such Bonds, (b) prescribe, among other things but not limited to, the form, terms, provisions, manner, or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds, and (c) do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds providing that the Bonds (or bond anticipation notes issued in anticipation of the issuance of the Bonds) must be issued and sold within six months from the date this Resolution is approved by the Mayor, unless the Board of Finance approves one six-month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of the Bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of the Bonds and bond anticipation notes; authorizing the Mayor of the City, by executive order or otherwise, to do any or all of the foregoing; and specifying and describing various matters in connection therewith, as required or permitted by the Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I inclusive, of the Annotated Code of Maryland (1982 Replacement Volume, 1984 Cumulative Supplement), as amended (the "Act"), provides that in order to accomplish the legislative policy of the Act, Mayor and City Council of Baltimore (the "City") or any other public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing powers, at any time or from time to time, in one or more series, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable. The powers granted to the City by the Act are for the legislative purposes of (i) relieving conditions of unemployment, (ii) encouraging the increase of industry and commerce and a balanced economy, (iii) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce, (iv) promoting economic development, (v) protecting natural resources and encouraging resource recovery, and (vi) promoting the health, welfare, and safety of the residents of Baltimore City.

The City has received a letter of intent dated May 23, 1985 (the "Letter of Intent") from Silvers & Associates, a Maryland general partnership, (the "Borrower"), and Garamond/Pridemark Press, Inc. (the "Facility User") pursuant to which the Borrower and the Facility User have requested the City to participate in the financing of the costs of acquisition and installation by the Borrower of a certain Facility (as hereinafter defined) in Baltimore City by issuing and selling the City's economic development revenue bonds in an aggregate principal amount not to exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000), and by making the proceeds of such bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition and installation of the Facility by the Borrower.

The Letter of Intent also expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended. The Borrower acknowledges in the Letter of Intent (i) that the City reserves certain rights concerning the issuance of the Bonds as provided in Section 5 hereof, (ii) that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions, (iii) that Section 103(n) provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (iv) that the Bonds will be subject to the City's volume cap.

The Letter of Intent also acknowledges that the time in which industrial development revenue bonds could be issued pursuant to Ordinance No. 259 (concerning Industrial Development Revenue Bonds (Silvers & Associates Project) in the amount of \$430,000) expires on June 18, 1985. In addition, the Letter of Intent states that the Borrower has withdrawn its request to the Board of Finance of the City for a six-month extension of the time in which industrial development revenue bonds may be issued pursuant to Ordinance No. 259.

The acquisition of the Facility will accomplish the legislative purpose of in the Act by, among other things, increasing the number of new jobs in Baltimore City, as set forth in the Letter of Intent.

The Facility consists generally of the acquisition and installation of a Heidelberg Six-Color Printing Press and a Heidelberg Two-Color Printing Press, to be located in Cross Roads Industrial Park at 2717 Wilmarco Avenue, in Baltimore City (all of the foregoing, collectively the "Facility"). Upon completion, the Facility will be owned by the Borrower and leased to the Facility User.

The City, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition and installation of the Facility by the issuance, sale, and delivery, at any time or from time to time and in one or more series, of its economic development revenue bonds in an aggregate principal amount not to exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) (the "Bonds"), and, at the election of the Borrower, by either: (1) lending the proceeds of the Bonds of any series to the Borrower, or (2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition and installation of the Facility and either (a) leasing the Facility to the Borrower or (b) selling the Facility to the Borrower, in each case upon the terms and conditions of a loan agreement, lease agreement, installment sale agreement, trust agreement, or similar agreement between, among others, the City and the Borrower. The proceeds of the Bonds shall be applied in accordance with the Act and this Resolution.

The Act provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution or the Mayor of the City by ex-

ecutive order, to determine and set forth the forms, terms, provisions, manner, or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and the City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) This Resolution is a "resolution" within the meaning of the Act.
- (2) The issuance and sale of the Bonds by the City, pursuant to the Act, in order to make the proceeds thereof available to the Borrower for the purpose of financing the acquisition of the Facility (including the necessary expenses of preparing, printing, selling, and issuing the Bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition) will facilitate and expedite the acquisition of the Facility by the Borrower.
- (3) The acquisition of the Facility by the Borrower and the financing of the costs of such acquisition as provided in this Resolution will serve to promote the legislative purposes of the Act by (a) sustaining jobs and employment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City' and (d) assisting in the retention of existing industry and commerce in Baltimore City.
- (4) The Bonds and the interest thereon will be limited obligations of the City, and the principal of, premium, if any, and interest thereon shall be payable and secured solely from the revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the Bonds in anticipation of which such notes were issued. Neither the Bonds, nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provisions or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.
- (5) Neither the proceeds of the Bonds, nor the payments of the principal of, premium, if any, and interest on the Bonds will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for herein do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The Facility does not constitute a capital project of the City within the meaning of any statutory or charter provision. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

(6) In compliance with Executive Order 01.01.1985.01, Proclamation on Private Activity Bond Allocations for 1985 and Later, by Harry Hughes, Governor of the State of Maryland and based upon information contained in the Application: (a) the City has considered the feasibility of conventional financing on reasonable terms to finance the Facility; (b) the City has considered the competitive effect of the issuance of the Bonds on other business entities conducting similar businesses in Baltimore City; and (c) the City has considered the necessity for the issuance of the Bonds to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further resolved*, That this Resolution, among other things, evidences the present intent of the City to issue, sell, and deliver the Bonds, and the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in an aggregate principal amount not to exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000), subject to the provisions of this Resolution and pursuant to the Act. The Mayor of the City (the "Mayor") is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue and sell the Bonds in accordance with the terms and provisions of this Resolution.

SEC. 3. *And be it further resolved*, That the proceeds of the Bonds (i) will be made available to the Borrower under terms and conditions of a loan agreement (within the meaning of the Act) or a financing agreement (the "Financing Agreement") which Financing Agreement will provide that the Borrower will make payments which will be sufficient to enable the City to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable, and which Financing Agreement shall be approved by the Board as set forth in a Bond Resolution (hereinafter defined) or by the Mayor as set forth in an Executive Order (hereinafter defined), and (ii) will be used by the Borrower for the sole and exclusive purpose of financing the costs of the completion of the Facility.

SEC. 4. *And be it further resolved*, That upon the effective date of this Resolution the Borrower can commence the acquisition of the Facility prior to the issuance, sale, and delivery of the Bonds; provided, however, that if the Borrower does proceed with the acquisition of the Facility prior to the adoption of a Bond Resolution by the Board or the issuance of an Executive Order by the Mayor, as authorized in Section 6 below, the Borrower does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to insure that the City (a) complies with present federal and state laws and any pending or future federal or state legislation, whether proposed or enacted, which may restrict the issuance of economic development bonds, and (b) issues its bonds (within the meaning of the Act and any present or future state and local laws), within the limits imposed by any such present laws or any such pending or future legislation or any future local laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

Pursuant to the provisions of this Section 5, therefore, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

In addition, present law limits the City's ability to issue bonds by imposing a volume limitation in the amount of economic development revenue bonds which may be issued by the City in a given year. Therefore, the City reserves the right to choose to issue its economic development revenue bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order or priority as it may determine in its sole and absolute discretion.

SEC. 6. *And be it further resolved*, That, as permitted by the Act, the Board and the Mayor are each hereby authorized and empowered, by a resolution or resolutions (in the case of the Board) or by an executive order or orders (in the case of the Mayor) adopted or issued, as the case may be, prior to the issuance, sale, and delivery of any of the Bonds (the "Bond Resolution" or the "Executive Order", as the case may be), to:

- (a) approve the issuance of the Bonds;
- (b) prescribe, among other things but not limited to, the principal amounts, form or forms, interest rate or rates, maturity or maturities, premiums, if any, terms, provisions, manner, or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;
- (c) approve (i) the form of any Financing Agreement, as provided for in the Act, and (ii) such provisions in any Financing Agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;
- (d) if necessary, appoint a trustee, bond registrar, and a paying agent or agents for the Bonds;
- (e) approve the terms and conditions, including but not limited to the terms and conditions of any and all documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the completion of the Facility; and
- (f) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 7. *And be it further ordained*, That the Bonds and the interest thereon are limited obligations of the City the principal of, premium, if any, and interest on which are payable and secured solely (except for bond anticipation notes) by revenues to be received in connection with the financing of the Facility or from

any other moneys made available to the City for such purpose. Neither the Bonds, nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 8. *And be it further resolved*, That, prior to the adoption of the Bond Resolution by the Board or the issuance of the Executive Order by the Mayor, as the case may be, the Mayor of the City, the Director of Finance of the City, the Chief, Bureau of Treasury Management of the City or other City officials, as appropriate, may:

(a) assist in the preparation and distribution, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment; and

(b) execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City.

SEC. 9. *And be it further resolved*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility, if any are required, to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) if applicable, it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 10. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any Financing Agreement or other documents as the Board shall deem necessary to effectuate the issuance, sale, and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and suffi-

cient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal, and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution, or as the Mayor may determine by executive order, as the case may be, to be necessary to carry out and comply with the provisions hereof.

SEC. 11. *And be it further ordained*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 12. *And be it further resolved*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes. Reference in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale, and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, or the Mayor shall issue an executive order or orders, to:

- (a) approve the issuance of such bond anticipation notes;
- (b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;
- (c) approve (i) the form of any such Financing Agreement, as provided in the Act, and (ii) such provisions in any such Financing Agreement as the Board or the Mayor, as the case may be, may deem reasonable and proper for the security of the holders of such bond anticipation notes;
- (d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Facility; and
- (e) do any and all things necessary, proper or expedient in connection with the issuance, sale, and delivery of such bond anticipation notes.

The City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents, and employees.

SEC. 13. *And be it further ordained*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Ordinance or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further ordained*, That either the Bonds or bond anticipation notes (issued pursuant to Section 12 of this Resolution in anticipation of the issuance of the Bonds) must be issued and sold within six months from the date on which this Resolution is approved by the Mayor of the City; provided, however, that the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six-month period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the first six month period expired and that under no circumstances shall Bonds or bond anticipation notes be issued and sold pursuant to this Resolution after December 31, 1985. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of the six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within six months from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 34

(Council No. 870)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(BINDAGRAPHS, INC. FACILITY)

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$1,500,000 pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Bindagraphics, Inc., a Maryland corporation, of a certain facility in Baltimore City consisting of the acquisition and installation (including necessary tenant improvements in connection therewith) of certain machinery and equipment (such as a folder gluer, die cutter, pattern gluer, paper coater, screen press, autoriveter, casemaker, slip casemaker, sidewire-stitcher, and a tractor trailer) for use in its business of binding soft cover books and pamphlets and manufacturing looseleaf binders at the existing plant of Bindagraphics, Inc. at 3104 Viona Avenue (and/or in additional space to be leased if necessary) in Baltimore City; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 21, 1985 from Bindagraphics, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery or payment of or for such bonds; providing that Bindagraphics Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to

whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purpose of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;

- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or
- (2) its chief executive officer (as defined in the Act), by executive order or otherwise; or
- (3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated May 21, 1985 (the "Letter of Intent") from Bindagraphics, Inc., a Maryland corporation (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$1,500,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include the acquisition and installation (including necessary tenant improvements in connection therewith) of certain machinery and equipment (such as a folder gluer, die cutter, pattern gluer, paper coater, screen press, autoriveter, casemaker, slip casemaker, sidewire-stitcher, and a tractor trailer) for use in its business of binding soft cover books and pamphlets and manufacturing looseleaf binders at the Applicant's existing plant located at 3104 Viona Avenue and/or in additional space in Baltimore City to be leased by the Applicant if necessary.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$1,500,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the Public Body and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The City is a "public body" and a "county" within the meaning of the Act.

(2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.

- (3) The Facility is a "facility" within the meaning of the Act.
- (4) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (5) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (6) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (7) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (8) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City. Specifically, as indicated in the Letter of Intent, the acquisition of the Facility will allow for the expansion and diversification of the Applicant's business necessary for the continued competitive operation of its bindery business in the City, and will increase jobs in a labor-intensive business.
- (9) Based on information provided to the City by the Facility Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.
- (10) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.
- (11) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are

deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$1,500,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$1,500,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant pro-

ceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by fac-

simile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor

of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale, and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than

full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such

period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 35

(Council No. 871)

A RESOLUTION concerning

GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL
OF BALTIMORE FOR THE BENEFIT OF MITCHELL W. KIRK
AND CHARLES M. DAVIS IN AN AMOUNT NOT TO EXCEED
\$255,000 (PROPERTY LOCATED AT 318 AND 320 NORTH PACA STREET
IN BALTIMORE CITY) IN CONNECTION WITH THE
NEIGHBORHOOD PROGRESS ADMINISTRATION/DHCD
PRIVATE ACTIVITY BOND PROGRAM

FOR the purpose of indicating the present intention of Mayor and City Council of Baltimore to participate in the financing, in an amount not to exceed \$255,000, of the acquisition by Mitchell W. Kirk and Charles M. Davis, of a certain facility in Baltimore City consisting of the acquisition of an approximately 0.12 acre tract of land located at 318 and 320 North Paca Street, in Baltimore City (the "Land"), (b) the renovation of a building of approximately 7,955 square feet on the Land (the "Building") and (c) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; to be leased by Mitchell W. Kirk and Charles M. Davis to various tenants, which may include Mitchell W. Kirk, P.A., a Maryland corporation, Tobi Chioffi, and SAFE Communications, Inc., a Maryland corporation for use by them as offices; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 24, 1985 from Mitchell W. Kirk and Charles M. Davis to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such Bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such

bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Mitchell W. Kirk and Charles M. Davis shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Mayor and City Council of Baltimore (the "City") has received a letter of intent dated May 24, 1985 (the "Letter of Intent") from Mitchell W. Kirk and Charles M. Davis (the "Applicant"), requesting the City to participate in the financing of the cost of acquisition by the Applicant of (a) the acquisition of an approximately 0.12 acre tract of land located at 318 and 320 North Paca Street, in Baltimore City (the "Land"), (b) the renovation of a building of approximately 7,955 square feet on the Land (the "Building") and (c) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities (the "Facility"). As set forth in the Letter of Intent, the acquisition of the Facility will enable the Applicant to (a) relieve conditions of unemployment in the City and the State of Maryland (the "State"), (b) encourage the increase of industry in the City and the State, and (c) promote economic development and the health, welfare and safety of the residents of the City and the State. The Applicant requests that, pursuant to various provisions of the Constitution of Maryland, Acts of the General Assembly of Maryland, various Ordinances of the City and Article II Section (33) and Section (57) of the Charter of Baltimore City, 1964 Revision, as amended (collectively, the "Enabling Laws"), the City authorize, issue, sell and deliver its bonds, in one or more series (the "Bonds") in connection with the Private Activity Bond Program (the "Private Activity Bond Program") of the Neighborhood Progress Administration/DHCD of the City ("NPA/DHCD"), in an aggregate principal amount not to exceed Two Hundred Fifty-Five Thousand Dollars (\$255,000). The Applicant intends to lease the Facility to various tenants, which may include Mitchell W. Kirk, P.A., a Maryland corporation, Tobi Chioffi, and SAFE Communications, Inc., a Maryland corporation to be used as offices.

The Letter of Intent expresses the Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

The Letter of Intent further expresses the Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation

but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Enabling Laws empower the City to make or contract to make, guarantee, or insure financial loans for commercial or industrial purposes from the proceeds of the City's general obligation bonds.

The Enabling Laws authorize and empower a majority of the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the City intends to participate in the financing of the acquisition of the Facility as described generally in the Letter of Intent.

SEC. 2. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution indicates the present intent of the City to provide assistance in such financing pursuant to the Private Activity Bond Program in an amount not to exceed Two Hundred Fifty-five Thousand Dollars (\$255,000), by authorizing the issuance, sale and delivery of its Bonds pursuant to the Enabling Laws and by lending the proceeds thereof to the Applicant for the purposes of financing the acquisition of the Facility, directly or by reimbursement, and paying the necessary expenses of preparing, printing and selling the Bonds, and any other costs permitted by the Enabling Laws, all in accordance with the Enabling Laws.

SEC. 3. *And be it resolved by Mayor and City Council of Baltimore*, That based on information provided to the City by the Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 4. *And be it resolved by Mayor and City Council of Baltimore*, That any and all of the Bonds, and any notes or other obligations, shall be general obligations of the City and shall be a pledge of and involve the faith and credit and the taxing power of the City.

SEC. 5. *And be it resolved by Mayor and City Council of Baltimore*, That the Mayor of the City hereby is authorized to accept the Letter of Intent on behalf of

the City to evidence further the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution and the City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of the Treasury pursuant to Section 103 of the Code, indicative of the willingness and bona fide present intent of the City to authorize the issuance, sale and delivery of the Bonds and as an inducement to the Applicant (i) to proceed with the acquisition of the Facility in the City as permitted by the Enabling Laws, and (ii) to engage in business in the City; provided, however, that, as more fully provided in Section 6 hereof, (1) this Resolution is not and does not constitute a commitment of the City to issue the Bonds, and (2), if the Applicant proceeds with the acquisition of the Facility prior to the making of a loan by the City to the Applicant under the Private Activity Bond Program in the amount of the Bonds, the Applicant does so at its own risk.

SEC. 6. *And be it resolved by Mayor and City Council of Baltimore*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Laws, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Laws and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it resolved by Mayor and City Council of Baltimore*, That, as permitted by the Enabling Laws, the Board shall, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 8. *And be it resolved by Mayor and City Council of Baltimore*, That the Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to NPA/DHCD for approval, and that NPA/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by NPA/DHCD to achieve high quality site, building, and landscape design.

SEC. 9. *And be it resolved by Mayor and City Council of Baltimore*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. The maturity of such bond anticipation notes shall not exceed twelve years from the date of issuance of such bond anticipation notes. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions to:

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, and under such terms as approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Applicant, its officers, agents and employees.

SEC. 10. *And be it resolved by Mayor and City Council of Baltimore*, That; as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 11. *And be it resolved by Mayor and City Council of Baltimore*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution shall be of an administrative nature and shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 36

(Council No. 872)

A RESOLUTION concerning

GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL
OF BALTIMORE FOR THE BENEFIT OF FERNAND TERSIGUEL IN
AN AMOUNT NOT TO EXCEED \$200,000 (PROPERTY LOCATED AT
816-822 EAST BALTIMORE STREET IN BALTIMORE CITY)
IN CONNECTION WITH THE NEIGHBORHOOD PROGRESS
ADMINISTRATION/DHCD PRIVATE ACTIVITY BOND PROGRAM

FOR the purpose of indicating the present intention of Mayor and City Council of Baltimore to participate in the financing, in an amount not to exceed \$200,000, of the acquisition by Fernand Tersiguel, of a certain facility in Baltimore City consisting of (a) the acquisition of an approximately 3500 square foot tract of land located at 816-822 East Baltimore Street, in Baltimore City (the "Land"),

(b) the renovation of a three story building containing approximately 10,500 square feet (the "Building"), (c) the acquisition and installation in such building of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection therewith, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; to be leased by Fernand Tersiguel to various tenants, which may include Joseph Poupon, a baker, and general office rental, and commercial space; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 24, 1985 from Fernand Tersiguel to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such Bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Fernand Tersiguel shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Mayor and City Council of Baltimore (the "City") has received a letter of intent dated May 24, 1985 (the "Letter of Intent") from Fernand Tersiguel (the "Applicant"), requesting the City to participate in the financing of the cost of acquisition by the Applicant of (a) the acquisition of an approximately 3500 square foot tract of land located at 816-822 East Baltimore Street, in Baltimore City (the "Land"), (b) the renovation of a three story building containing approximately 10,500 square feet (the "Building"), (c) the acquisition and installation in the Building of such machinery and equipment, and any and all other improvements therein, as may be necessary or useful in connection with the operation of the Facility Applicant's business, and (d) acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities (the "Facility"). As set forth in the Letter of Intent, the acquisition of the Facility will enable the Applicant to (a) maintain its commercial operations in the City, (b) relieve conditions of unemployment in the City and the State of Maryland (the "State"), (c) encourage the increase of industry in the City and the State, and (d) promote economic development and the health, welfare and safety of the residents of the City and the State. The Applicant requests that, pursuant to various provisions of the Constitution of Maryland, Acts of the General Assembly of Maryland, various Ordinances of the City and Article II Section (33) and Section (57) of the Charter of Baltimore City, 1964 Revision, as amended (collectively, the "Enabling Laws"), the City authorize, issue, sell, and deliver its bonds, in one or more series

(the "Bonds") in connection with the Private Activity Bond Program (the "Private Activity Bond Program") of the Neighborhood Progress Administration/DHCD of the City ("NPA/DHCD"), in an aggregate principal amount not to exceed Two Hundred Thousand Dollars (\$200,000). The Applicant intends to lease the Facility to various tenants, which may include Joseph Poupon, a baker, and general office rental, and commercial space.

The Letter of Intent expresses the Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

The Letter of Intent further expresses the Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Enabling Laws empower the City to make or contract to make, guarantee, or insure financial loans for commercial or industrial purposes from the proceeds of the City's general obligation bonds.

The Enabling Laws authorize and empower a majority of the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the City intends to participate in the financing of the acquisition of the Facility as described generally in the Letter of Intent.

SEC. 2. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution indicates the present intent of the City to provide assistance in such financing pursuant to the Private Activity Bond Program in an amount not to exceed Two Hundred Thousand Dollars (\$200,000), by authorizing the issuance, sale and delivery of its Bonds pursuant to the Enabling Laws and by lending the proceeds thereof to the Applicant for the purpose of financing the acquisition of the Facility, directly or by reimbursement, and paying the necessary expenses of preparing, printing and selling the Bonds, and any other costs permitted by the Enabling Laws, all in accordance with the Enabling Laws.

SEC. 3. *And be it resolved by Mayor and City Council of Baltimore*, That based on information provided to the City by the Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 4. *And be it resolved by Mayor and City Council of Baltimore*, That any and all of the Bonds, and any notes or other obligations, shall be general obligations of the City and shall be a pledge of and involve the faith and credit and the taxing power of the City.

SEC. 5. *And be it resolved by Mayor and City Council of Baltimore*, That the Mayor of the City hereby is authorized to accept the Letter of Intent on behalf of the City to evidence further the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution and the City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of the Treasury pursuant to Section 103 of the Code, indicative of the willingness and bona fide present intent of the City to authorize the issuance, sale and delivery of the Bonds and as an inducement to the Applicant (i) to proceed with the acquisition of the Facility in the City as permitted by the Enabling Laws, and (ii) to engage in business in the City; provided, however, that, as more fully provided in Section 6 hererof, (1) this Resolution is not and does not constitute a commitment of the City to issue the Bonds, and (2), if the Applicant proceeds with the acquisition of the Facility prior to the making of a loan by the City to the Applicant under the Private Activity Bond Program in the amount of the Bonds, the Applicant does so at its own risk.

SEC. 6. *And be it resolved by Mayor and City Council of Baltimore*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Laws, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Laws and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by

the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it resolved by Mayor and City Council of Baltimore, That, as permitted by the Enabling Laws, the Board shall, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds:*

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 8. *And be it resolved by Mayor and City Council of Baltimore, That the Applicant shall agree that:*

(a) it will submit any plans and specifications for the Facility to NPA/DHCD for approval, and that NPA/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by NPA/DHCD to achieve high quality site, building, and landscape design.

SEC. 9. *And be it resolved by Mayor and City Council of Baltimore, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. The maturity of such bond anticipation notes shall not exceed twelve years from the date of issuance of such bond anticipation notes. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions to:*

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, and under such terms as approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Applicant, its officers, agents and employees.

SEC. 10. *And be it resolved by Mayor and City Council of Baltimore*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 11. *And be it resolved by Mayor and City Council of Baltimore*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution shall be of an administrative nature and shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 37

(Council No. 873)

A RESOLUTION concerning

GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL OF BALTIMORE FOR THE BENEFIT OF THOMAS A. SABIA AND GORDON M. SILESKY, TRADING AS CHARLES STREET PRESS, A MARYLAND GENERAL PARTNERSHIP IN AN AMOUNT NOT TO EXCEED \$94,350 (PROPERTY LOCATED AT 2304 NORTH CHARLES STREET IN BALTIMORE CITY) IN CONNECTION WITH THE NEIGHBORHOOD PROGRESS ADMINISTRATION/DHCD PRIVATE ACTIVITY BOND PROGRAM

FOR the purpose of indicating the present intention of Mayor and City Council of Baltimore to participate in the financing, in an amount not to exceed \$94,350, of the acquisition by Thomas A. Sabia and Gordon M. Silesky, trading as Charles Street Press, a Maryland general partnership, of a certain facility in Baltimore City consisting of the construction of a building of approximately 5,200 square feet on land located at 2304 North Charles Street, in Baltimore City, Maryland; to be leased by Thomas A. Sabia and Gordon M. Silesky, trading as Charles Street Press to Quicke Offset, Inc., a Maryland corporation; for use by Quicke Offset, Inc. as a printing facility; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 24, 1985 from Thomas A. Sabia and Gordon M. Silesky, trading as Charles Street Press and Quicke Offset, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such Bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Thomas A. Sabia and Gordon M. Silesky, trading as Charles Street Press and Quicke Offset, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Mayor and City Council of Baltimore (the "City") has received a letter of intent dated May 24, 1985 (the "Letter of Intent") from Thomas A. Sabia and Gordon M. Silesky, trading as Charles Street Press, a Maryland general partnership (the "Applicant") and Quicke Offset, Inc., a Maryland corporation (the "Facility User"), requesting the City to participate in the financing of the costs of acquisi-

tion by the Applicant of the construction of a building of approximately 5,200 square feet on land located at 2304 North Charles Street, in Baltimore City (the "Building"). As set forth in the Letter of Intent, the acquisition of the Facility will enable the Applicant [Facility User] to (a) maintain its commercial operations in the City, (b) relieve conditions of unemployment in the City and the State of Maryland (the "State"), (c) encourage the increase of industry in the City and the State, and (d) promote economic development and the health, welfare and safety of the residents of the City and the State. The Applicant requests that, pursuant to various provisions of the Constitution of Maryland, Acts of the General Assembly of Maryland, various Ordinances of the City and Article II Section (33) and Section (57) of the Charter of Baltimore City, 1964 Revision, as amended (collectively, the "Enabling Laws"), the City authorize, issue, sell, and deliver its bonds, in one or more series (the "Bonds") in connection with the Private Activity Bond Program (the "Private Activity Bond Program") of the Neighborhood Progress Administration/DHCD of the City ("NPA/DHCD"), in an aggregate principal amount not to exceed Ninety-Four Thousand Three Hundred Fifty Dollars (\$94,350). The Applicant intends to lease the Facility to the Facility User to be used as a printing facility.

The Letter of Intent expresses the Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

The Letter of Intent further expresses the Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Enabling Laws empower the City to make or contract to make, guarantee, or insure financial loans for commercial or industrial purposes from the proceeds of the City's general obligation bonds.

The Enabling Laws authorize and empower a majority of the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore, That the City intends to participate in the financing of the acquisition of the Facility as described generally in the Letter of Intent.*

SEC. 2. *And be it resolved by Mayor and City Council of Baltimore, That this Resolution indicates the present intent of the City to provide assistance in such financing pursuant to the Private Activity Bond Program in an amount not to exceed Ninety-Four Thousand Three Hundred Fifty Dollars (\$94,350), by authorizing the issuance, sale and delivery of its Bonds pursuant to the Enabling Laws and by lending the proceeds thereof to the Applicant for the purpose of financing the acquisition of the Facility, directly or by reimbursement, and paying the necessary expenses of preparing, printing and selling the Bonds, and any other costs permitted by the Enabling Laws, all in accordance with the Enabling Laws.*

SEC. 3. *And be it resolved by Mayor and City Council of Baltimore, That based on information provided to the City by the Applicant and the Facility User, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Applicant and the Facility User within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.*

SEC. 4. *And be it resolved by Mayor and City Council of Baltimore, That any and all of the Bonds, and any notes or other obligations, shall be general obligations of the City and shall be a pledge of and involve the faith and credit and the taxing power of the City.*

SEC. 5. *And be it resolved by Mayor and City Council of Baltimore, That the Mayor of the City hereby is authorized to accept the Letter of Intent on behalf of the City to evidence further the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution and the City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code, indicative of the willingness and bona fide present intent of the City to authorize the issuance, sale and delivery of the Bonds and as an inducement to the Applicant (i) to proceed with the acquisition of the Facility in the City as permitted by the Enabling Laws, and (ii) to engage in business in the City; provided, however, that, as more fully provided in Section 6 hereof, (1) this Resolution is not and does not constitute a commitment of the City to issue the Bonds, and (2), if the Applicant proceeds with the acquisition of the Facility prior to the making of a loan by the City to the Applicant under the Private Activity Bond Program in the amount of the Bonds, the Applicant does so at its own risk.*

SEC. 6. *And be it resolved by Mayor and City Council of Baltimore, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development*

bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Laws, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Laws and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it resolved by Mayor and City Council of Baltimore, That, as permitted by the Enabling Laws, the Board shall, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds:*

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 8. *And be it resolved by Mayor and City Council of Baltimore, That the Applicant shall agree that:*

(a) it will submit any plans and specifications for the Facility to NPA/DHCD for approval, and that NPA/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by NPA/DHCD to achieve high quality site, building, and landscape design.

SEC. 9. *And be it resolved by Mayor and City Council of Baltimore, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. The maturity of such bond anticipation notes shall not exceed twelve years from the date of issuance of such bond anticipation notes.*

Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions to:

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds anticipation notes and the issuance and sale thereof all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, and under such terms as approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Applicant, its officers, agents and employees.

SEC. 10. *And be it resolved by Mayor and City Council of Baltimore*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 11. *And be it resolved by Mayor and City Council of Baltimore*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein,

and if the person or circumstances to which this Resolution or any part hereof are inapplicable had specifically exempted herefrom.

SEC. 12. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution shall be of an administrative nature and shall take effect from the date of its passage.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 38

(Council No. 874)

A RESOLUTION concerning

GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL OF
BALTIMORE FOR THE BENEFIT OF DEIDRA B. SPANN AND
RAYMOND E. SPANN IN AN AMOUNT NOT TO EXCEED \$126,400
(PROPERTY LOCATED AT 830 EAST BALTIMORE STREET IN
BALTIMORE CITY) IN CONNECTION WITH THE NEIGHBORHOOD
PROGRESS ADMINISTRATION/DHCD PRIVATE ACTIVITY BOND PROGRAM

FOR the purpose of indicating the present intention of Mayor and City Council of Baltimore to participate in the financing, in an amount not to exceed \$126,400, of the acquisition by Deidra B. Spann and Raymond E. Spann, of a certain facility in Baltimore City consisting of (a) the renovation of a building of brick and wood with glassstore front windows located at 830 East Baltimore Street in Baltimore City, Maryland, and (b) the acquisition and installation in such building of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection therewith; to be used by Deidra B. Spann and Raymond E. Spann as a doll shop; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 24, 1985 from Deidra B. Spann and Raymond E. Spann to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such Bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Deidra B. Spann and Raymond E. Spann shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; authorizing the issuance of notes in an-

tipication of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Mayor and City Council of Baltimore (the "City") has received a letter of intent dated May 24, 1985 (the "Letter of Intent") from Deidra B. Spann and Raymond E. Spann (collectively, the "Applicant"), requesting the City to participate in the financing of the cost of acquisition by the Applicant of (a) the renovation of a building of brick and wood with glass storefront windows located at 830 East Baltimore Street in Baltimore City (the "Building"), and (b) the acquisition and installation in the Building of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation of the Facility Applicant's business. As set forth in the Letter of Intent, the acquisition of the Facility will enable the Applicant to (a) maintain its commercial operations in the City, (b) relieve conditions of unemployment in the City and the State of Maryland (the "State"), (c) encourage the increase of industry in the City and the State, and (d) promote economic development and the health, welfare and safety of the residents of the City and the State. The Applicant requests that, pursuant to various provisions of the Constitution of Maryland, Acts of the General Assembly of Maryland, various Ordinances of the City and Article II Section (33) and Section (57) of the Charter of Baltimore City, 1964 Revision, as amended (collectively, the "Enabling Laws"), the City authorize, issue, sell, and deliver its bonds, in one or more series (the "Bonds") in connection with the Private Activity Bond Program (the "Private Activity Bond Program") of the Neighborhood Progress Administration/DHCD of the City ("NPA/DHCD") in an aggregate principal amount not to exceed One Hundred Twenty-Six Thousand Four Hundred Dollars (\$126,400). The Applicant intends to use the Facility in connection with the Applicant's business of manufacture and sale of dolls.

The Letter of Intent expresses the Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

The Letter of Intent further expresses the Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Enabling Laws empower the City to make or contract to make, guarantee, or insure financial loans for commercial or industrial purposes from the proceeds of the City's general obligation bonds.

The Enabling Laws authorize and empower a majority of the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

SECTION. 1. *Be it resolved by Mayor and City Council of Baltimore*, That the City intends to participate in the financing of the acquisition of the Facility as described generally in the Letter of Intent.

SEC. 2. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution indicates the present intent of the City to provide assistance in such financing pursuant to the Private Activity Bond Program in an amount not to exceed One Hundred Twenty-Six Thousand Four Hundred Dollars (\$126,400), by authorizing the issuance, sale and delivery of its Bonds pursuant to the Enabling Laws and by lending the proceeds thereof to the Applicant for the purpose of financing the acquisition of the Facility, directly or by reimbursement, and paying the necessary expenses of preparing, printing and selling the Bonds, and any other costs permitted by the Enabling Laws, all in accordance with the Enabling Laws.

SEC. 3. *And be it resolved by Mayor and City Council of Baltimore*, That based on information provided to the City by the Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 4. *And be it resolved by Mayor and City Council of Baltimore*, That any and all of the Bonds, and any notes or other obligations, shall be general obligations of the City and shall be a pledge of and involve the faith and credit and the taxing power of the City.

SEC. 5. *And be it resolved by Mayor and City Council of Baltimore*, That the Mayor of the City hereby is authorized to accept the Letter of Intent on behalf of the City to evidence further the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution and the City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of the Treasury pursuant to Section 103 of the Code, indicative of the willingness and bona fide present intent of the City to authorize the issuance, sale and delivery of the Bonds and as an inducement to the Applicant (i) to proceed with the acquisition of the Facility in the City as per-

mitted by the Enabling Laws, and (ii) to engage in business in the City; provided, however, that, as more fully provided in Section 6 hereof, (1) this Resolution is not and does not constitute a commitment of the City to issue the Bonds, and (2), if the Applicant proceeds with the acquisition of the Facility prior to the making of a loan by the City to the Applicant under the Private Activity Bond Program in the amount of the Bonds, the Applicant does so at its own risk.

SEC. 6. *And be it resolved by Mayor and City Council of Baltimore*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code, and (b) issues its bonds (within the meaning of the Enabling Laws, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Laws and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it resolved by Mayor and City Council of Baltimore*, That, as permitted by the Enabling Laws, the Board shall, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 8. *And be it resolved by Mayor and City Council of Baltimore*, That the Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to NPA/DHCD for approval, and that NPA/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by NPA/DHCD to achieve high quality site, building, and landscape design.

SEC. 9. *And be it resolved by Mayor and City Council of Baltimore*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. The maturity of such bond anticipation notes shall not exceed twelve years from the date of issuance of such bond anticipation notes. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions to:

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, and under such terms as approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Applicant, its officers, agents and employees.

SEC. 10. *And be it resolved by Mayor and City Council of Baltimore*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in considera-

tion of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 11. *And be it resolved by Mayor and City Council of Baltimore, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.*

SEC. 12. *And be it resolved by Mayor and City Council of Baltimore, That this Resolution shall be of an administrative nature and shall take effect from the date of its passage.*

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor.*

Resolution No. 39

(Council No. 897)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS
CUSTOM HOUSE GARAGE PROJECT

FOR the purpose of establishing and declaring the intent of the Mayor and City Council of Baltimore to issue, sell and deliver, as limited obligations of Baltimore City and not upon its full faith and credit, its economic development revenue bonds, to be designated "Baltimore City, Maryland Economic Development Revenue Bonds (Custom House Garage Project)", in the aggregate principal amount not to exceed \$16,000,000, pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, as amended, or Subsection (50) of Article II of the Charter of Baltimore City (1964 Revision) and the provisions of a resolution or ordinance to be adopted or enacted, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with the construction of a public parking garage located at 16 to 20 and 24 to 30 South Gay Street, 406 to 414 Water Street, and 5 to 37 Custom House Avenue, Baltimore City, Maryland; authorizing the Mayor to accept, on behalf of the Mayor and City Council, the letter of intent of Kankon, Inc.; making certain legislative findings; and generally providing for the authorization, issuance, security, sale and payment

of such bonds pursuant to further legislative and executive action of the Mayor and City Council of Baltimore.

RECITALS

Both the Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended and Sub-section (50) of Article II of the Charter of Baltimore City (1964 Revision) (the "Enabling Law"), empower the Mayor and City Council of Baltimore (the "City") to issue revenue bonds and to use the proceeds of the sale of such revenue bonds to finance undertakings for the accomplishment of any of the purposes, objects and powers of the City. Some of the general objectives of the City contemplated by the Enabling Law include the relief of conditions of unemployment in Baltimore City, encouraging the increase of industry and a balanced economy in Baltimore City, promoting economic development in Baltimore City, and promoting the health, welfare and safety of the residents of Baltimore City.

The City has received a letter of intent dated January 16, 1985 (the "Letter of Intent") from Kankon, Inc. (the "Borrower"), pursuant to which the Borrower has requested the City to participate in the financing of the costs of, and the charges, fees and expenses incurred in connection with, a certain economic development project (the "Project") by issuing and selling economic development revenue bonds of the City in the aggregate principal amount not to exceed \$16,000,000 (the "Bonds").

The Project to be financed with the proceeds of the Bonds (to the extent allowable under the Enabling Law and Section 103 of the Internal Revenue Code of 1954, as amended) will consist of: (a) the acquisition of certain parcels of real property, having in the aggregate 40,940 square feet, located at 16 to 20 and 24 to 30 South Gay Street, 406 and 414 Water Street, and 5 to 37 Custom House Avenue, in Baltimore City, Maryland, together with all existing improvements thereon (collectively the "Land"), (b) the demolition of the existing improvements on the Land, (c) the construction of a multi-level building of approximately 450,000 square feet on the Land containing approximately 1,300 automobile parking spaces, to be called the Custom House Garage (the "Building") approximately 9,000 square feet of retail space and approximately 7,000 square feet of automobile service facilities, (d) the acquisition and installation in the Building of such machinery and equipment and any other improvements therein as may be necessary or useful in connection with the operation of the Borrower's and any commercial tenants' businesses, and (e) the acquisition of such other interests in land as may be necessary or suitable for the Project, including roads and rights of access, utilities and necessary site preparation facilities.

The Borrower states in the Letter of Intent that a substantial portion of the Building will be used as a garage that will be made available to the public for parking.

It is the intention of the City to issue and to sell the Bonds for the purpose of financing the Project pursuant to a resolution or ordinance of the City to be adopted or enacted (the "Bond Authorizing Legislation"). The Bond Authorizing

Legislation shall, among other things, authorize the Mayor or the Board of Finance, prior to the issuance, sale and delivery of the Bonds, to prescribe the aggregate principal amount, rate or rates of interest (or other interest provisions), form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of the Bonds.

It is presently contemplated that the City shall loan the proceeds of the Bonds to the Borrower for the purpose of facilitating the Project in order to accomplish the public purposes set forth in the Enabling Law and this resolution. In addition, if provided in the Enabling Law and the Bond Authorizing Legislation, the City may acquire the Land and construct the Building, and acquire and install the other property which is necessary or useful for the Project, and either lease or sell the Land, the Building, and the other property to the Borrower. The Borrower shall be obligated to the City to make loan repayments, rental payments, or purchase payments, as the case may be, and to perform certain other obligations in connection with the loan, the lease, or the sale, as the case may be. Any security for the Borrower's obligations to the City and for the Bonds shall be granted or provided pursuant to the provisions of the Bond Authorizing Legislation.

Now, therefore, *Be it resolved and ordered by the Mayor and City Council of Baltimore, That:*

SECTION 1. It is hereby found and determined as follows:

(1) The issuance and sale of the Bonds by the City pursuant to the Enabling Law and the Bond Authorizing Legislation in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of the Project will facilitate and expedite the Project.

(2) The Project and the financing thereof through the issuance and sale of the Bonds (to the extent allowable under the Enabling Law and Section 103 of the Internal Revenue Code of 1954, as amended) will serve to promote the general purposes contemplated by the Enabling Law by (a) sustaining jobs and employment in Baltimore City, (b) promoting economic development in Baltimore City, and (c) encouraging the increase of industry and a balanced economy in Baltimore City.

(3) The Enabling Law provides that neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City.

(4) It is contemplated that the City will acquire no interest in the Project or the Borrower other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations to the City, (b) any lien and security interest created by the instruments evidencing Borrower's obligations to the City, and (c) any interest created by any other mortgage or deed of trust or other security in-

strument executed and delivered by the Borrower or any third party as security for the Borrower's obligations to the City or the Bonds.

(5) The issuance of the Bonds pursuant to the Bond Authorizing Legislation shall be accomplished in accordance with the laws, regulations, policies, and procedures applicable to the City, and the approval for the issuance of the Bonds shall include a consideration of the purposes of the Enabling Act of the requirements set forth in Section 8 of Executive Order 01.01.1985.01 – Proclamation on Private Activity Bond Allocations for 1985 and Later – issued by the Governor of Maryland on January 14, 1985. The specific requirements to be considered shall include the feasibility of requiring the Borrower to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Project or the provision of services or supplies with the proceeds of the Bonds.

SEC. 2. This resolution establishes and declares the intention of the City to issue the Bonds in the aggregate principal amount not to exceed \$16,000,000 for the public purposes recited in this resolution, and the Mayor is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the intention of the City to issue the Bonds in accordance with the terms and provisions of the Enabling Law and the Bond Authorizing Legislation. The City intends that the enactment of this resolution shall constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations adopted by the United States Department of the Treasury pursuant to Section 103 of the Internal Revenue Code of 1954, as amended. The City and the Borrower contemplate that, upon the effectiveness of this resolution, the Borrower may commence the Project prior to the issuance, sale and delivery of the Bonds, provided, however, that if the Borrower proceeds with the Project prior to the effective date of the City's final approval of the issuance of the Bonds, the Borrower shall bear the risk of non-issuance of the Bonds and of any loss which may directly or indirectly result from the non-issuance.

SEC. 3. Each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bonds (Custom House Garage Project)", provided, that the descriptive title may contain such other descriptive information as the City may prescribe. The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the purchaser or purchasers of the Bonds and to be approved and prescribed under the Bond Authorizing Legislation.

SEC. 4. Subject to the adoption or enactment of the Bond Authorizing Legislation, the Bonds shall be executed, issued and delivered at any time, or from time to time, in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$16,000,000.

SEC. 5. The Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times, and at such place or places as the City shall prescribe under the provisions of the Bond Authorizing Legislation.

SEC. 6. The Bonds shall mature no later than 30 years after the date of their issuance, or at such other date which is not later than the date, if any, stated in the Enabling Law or pursuant to the Bond Authorizing Legislation as the maximum maturity for the Bonds. The Bonds may be subject to the redemption prior to their stated maturities upon such terms and conditions as the City may prescribe under the provisions of the Bond Authorizing Legislation.

SEC. 7. Prior to the issuance, sale and delivery of the Bonds, the Mayor or the Board of Finance, under the provisions of the Bond Authorizing Legislation, shall provide for all of the other terms, provisions and details of the Bonds, the security for the Bonds, the obligations of the Borrower to the City, and the security for the obligations of the Borrower to the City.

SEC. 8. Neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or other constitutional, statutory or charter provisions limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of, and interest and premium, if any, on which Bonds shall be payable by the City solely from the revenue derived from the Borrower's obligations to the City, from the proceeds of the Bonds, and from any other moneys made available to the City or the holders of the Bonds for such purpose.

SEC. 9. This Resolution shall take effect from the date of its approval by the Mayor.

Approved July 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 40

(Council No. 919)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS –
(MID-EASTERN BOX MANUFACTURING COMPANY FACILITY)**

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$1,342,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of (1) financing the costs of the acquisition by Mid-Eastern Box Manufacturing Company, a Maryland corporation, of a certain facility in Baltimore City consisting of the purchase and installation in the industrial building located at 901 North Newkirk Street in Baltimore City of certain machinery and equipment, including a flexo, folder, gluer Model #15000 manufactured by Ward Machinery Company and a Signode compression unitizer with conveyors, to be used by Mid-Eastern Box Manufacturing Company to expand its business of the manufacturing of corrugated boxes, shipping containers and displays to a two shift operation and (2) refunding the outstanding principal balance of the City of Baltimore, Maryland Industrial Development Revenue Bond (Mid-Eastern Box Manufacturing Company Project), 1977 Series, dated May 1, 1977 in the original principal amount of \$768,000.00, and providing for the payment of all accrued and unpaid interest and redemption premiums (if any) on such Bond; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated June 12, 1985 from Mid-Eastern Manufacturing Company to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Mid-Eastern Box Manufacturing Company shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or

municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;
- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or
- (2) its chief executive officer (as defined in the Act), by executive order or otherwise; or
- (3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

On August 25, 1977, Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City"), issued and sold its City of Baltimore, Maryland Industrial Development Revenue Bond (Mid-Eastern Box Manufacturing Company Project), dated May 1, 1977 in the original principal amount of \$768,000 (the "1977 Series Bond") and lent the proceeds of the 1977 Series Bond to Mid-Eastern Box Manufacturing Company, a Maryland corporation (the "Facility Applicant"), for the purpose of financing the acquisition by the Facility Applicant of certain necessary or useful machinery and equipment, including a corrugator complex, a press and stacker, a taper and a laminator, to be located in the industrial building located at 901 North Newkirk Street in the City of Baltimore.

The 1977 Series Bond was issued under and pursuant to:

- (a) Ordinance No. 370 of the City approved by the Mayor of the City on June 28, 1977,
- (b) a Loan Agreement dated as of May 1, 1977 by and between the City and the Facility Applicant,
- (c) an Assignment dated as of May 1, 1977 (of the Loan Agreement to Mercantile-Safe Deposit and Trust Company) acknowledged by the Facility Applicant,

(d) a Trust Agreement dated as of May 1, 1977 between the Facility Applicant and Kenneth A. Bourne, Jr. and Douglas W. Dodge, trustees (for the limited purpose therein provided), and

(e) a Guaranty Agreement dated as of May 1, 1977 by and among Economy Die & Gasket Inc., a Maryland corporation, the Facility Applicant, Mercantile-Safe Deposit and Trust Company and the City.

The City has received a letter of intent dated June 12, 1985 (the "Letter of Intent") from the Facility Applicant, pursuant to which the Facility Applicant has requested the City to issue and sell the City's economic development revenue bonds in the aggregate principal amount not to exceed \$1,342,000 pursuant to and in accordance with the Act for the purpose of: (1) participating in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility") and (2) refunding the outstanding principal balance of the 1977 Series Bond and providing for the payment of all accrued and unpaid interest and redemption premiums (if any) on the 1977 Series Bond.

The Letter of Intent expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include the acquisition and installation in the building located at 901 North Newkirk Street in Baltimore City of certain machinery and equipment necessary or useful in connection with the operation of a second shift therein, including a flexo, folder, gluer Model #15000 manufactured by Ward Machinery Company and a Signode compression unitizer with conveyors. The Facility will be owned by the Facility Applicant for use by the Facility Applicant to expand its business of the manufacture of corrugated boxes, shipping containers and displays into a second shift operation.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in (1) the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and (2) the refunding of the outstanding principal balance of the 1977 Series Bonds, including the payment of all accrued and unpaid interest and redemption premiums (if any) thereon, by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$1,342,000 (the "Bonds"), and by lending

the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the Public Body and the Facility Applicant (the "Financing Agreement"), such proceeds to be used by the Facility Applicant solely to (1) finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and (2) to refund the outstanding principal balance of the 1977 Series Bond and provide for the payment of all accrued and unpaid interest and redemption premiums (if any) thereon.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility is a "facility" within the meaning of the Act.
- (4) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (5) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (6) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (7) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (8) The acquisition of the Facility, the financing thereof as provided in this Resolution and the refunding of the 1977 Series Bonds will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.
- (9) Based on information provided to the City by the Facility Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance

of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(10) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(11) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$1,342,000, subject to the provisions of this Resolution. The City will lend a portion of the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Financing Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of (1) financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and (2) refunding the outstanding principal balance of the 1977 Series Bonds and providing for the payment of all accrued and unpaid interest and redemption premiums (if any) thereon.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to (a) finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and (b) refund the outstanding principal balance of the 1977 Series Bond and provide for the payment of all accrued and unpaid interest and redemption premiums (if any) thereon, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the refunding of the 1977 Series Bond and the financing of the costs (to the fullest extent permitted by the Act) of the acqui-

tion of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$1,342,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other document as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of

this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n) (12) (A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the is-

suance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved August 28, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 41

(Council No. 920)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS -
(EAST OLIVER STREET LIMITED PARTNERSHIP FACILITY)**

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$3,000,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by East Oliver Street Limited Partnership, a Maryland limited partnership, of a certain facility in Baltimore City consisting of the acquisition of the real property located at 310-312 East Oliver Street and the improvements thereon, the renovation of the improvements and the purchase and installation of certain machinery and equipment and any and all other improvements therein, as may be necessary or useful in connection with the operation of the improvements to be owned by East Oliver Street Limited Partnership and to be leased by various tenants; authorizing the Mayor of the City, on behalf of the City; to accept the letter of intent dated

June 12, 1985 from East Oliver Street Limited Partnership to the City; making certain legislative findings; reserving in the City certain rights concerning issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedure appropriate to the authorization, sale, security, issuance, delivery or payment of or for such bonds; providing that East Oliver Street Limited Partnership shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

(1) by leasing them to one or more facility users under a lease (as defined in the Act);

(2) by selling them to one or more facility users under a sale agreement (as defined in the Act);

(3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or

(4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

(1) specify and describe the facility or facilities;

(2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;

(3) specify the maximum principal amount of the bonds that may be issued; and

(4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

(1) its finance board (as defined in the Act), by resolution; or

(2) its chief executive officer (as defined in the Act), by executive order or otherwise; or

(3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

The Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated June 12, 1985 (the "Letter of Intent") from East Oliver Street Limited Partnership, a Maryland limited partnership (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain

facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$3,000,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of the real property located at 310-312 East Oliver Street, in Baltimore City and the improvements thereon, (b) the renovation of the improvements, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Facility will be owned by the Facility Applicant and leased to various tenants (the "Facility Users") for use by the Facility Users in their respective businesses.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$3,000,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the City and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Users upon the terms and conditions of one or more leases to be entered into be-

tween the City and the Facility Users (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

IT IS THE INTENTION OF THE CITY THAT A SUBSTANTIAL PORTION OF THE IMPROVEMENTS SHALL BE USED AS A MANUFACTURING FACILITY AND FOR RELATED USES INCLUDING, BUT NOT LIMITED TO, AN OUTLET FOR THE SALE TO THE GENERAL PUBLIC OF ITEMS SO MANUFACTURED, FOR A PERIOD OF NO LESS THAN FIVE (5) YEARS FROM THE DATE OF THE ISSUANCE OF THE BONDS. THIS USE MAY BE ALTERED ONLY BY THE BOARD OF FINANCE OF THE CITY UPON RECOMMENDATION BY THE BALTIMORE ECONOMIC DEVELOPMENT CORPORATION DURING SAID FIVE (5) YEAR PERIOD.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" within the meaning of the Act.
- (3) The Facility Users each will be a "facility user" within the meaning of the Act.
- (4) The Facility is a "facility" within the meaning of the Act.
- (5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (6) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (9) The acquisition of the Facility, the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore

City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(10) Based on information provided to the City by the Facility Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$3,000,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility User pursuant to the terms and provisions of a Lease, or (b) sell the

Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$3,000,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial or economic development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial or economic development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2)

issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Project to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other document as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n) (12) (A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *AND BE IT FURTHER RESOLVED*, THAT THE BONDS AND THE FINANCING AGREEMENT SHALL REFLECT THE INTENTION OF THE CITY THAT A SUBSTANTIAL PORTION OF THE IMPROVEMENTS SHALL BE USED AS A MANUFACTURING FACILITY AND FOR RELATED USES INCLUDING, BUT NOT LIMITED TO, AN OUTLET FOR THE SALE TO THE GENERAL PUBLIC OF ITEMS SO MANUFACTURED, FOR A PERIOD OF NO LESS THAN FIVE (5) YEARS FROM THE DATE OF THE ISSUANCE OF THE BONDS AND THAT THIS USE MAY BE ALTERED ONLY BY THE BOARD OF FINANCE OF THE CITY UPON RECOMMENDATION BY THE BALTIMORE ECONOMIC DEVELOPMENT CORPORATION DURING SAID FIVE (5) YEAR PERIOD.

SEC. 16. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved August 28, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 42

(Council No. 677)

A RESOLUTION of the Mayor and City Council concerning

SOUTH AFRICAN INVESTMENTS

FOR the purpose of declaring that it is the City's intention to disinvest the City's retirement funds from companies doing business in South Africa or Namibia; and requiring the Boards of Trustees of the retirement funds to provide a list of investments in companies doing business in South Africa and Namibia within 30 days and to provide a plan of tangible steps that the City will take in opposition to apartheid.

WHEREAS, The policy of apartheid as maintained by the present government of the Republic of South Africa is not only morally repugnant to all who believe in the inherent rights of individual freedom and equal treatment under the law and has resulted in the systematic enslavement and subjugation of the non-white majority of South Africa and Namibia, but also the continuance of the policy casts doubt on the safety and stability of investments in companies doing business with, operating in or making loans to the Republic of South Africa or Namibia; and

WHEREAS, We recognize that the investment of American and foreign capital in South Africa or Namibia lends support to those governments and their economies, thus contributing to the maintenance and enforcement of apartheid, and we are particularly concerned about the extent to which the investments of the City's pension funds support and sustain the abhorrent policy of apartheid; and

WHEREAS, The Boards of Trustees of the Employees' Retirement System, the Fire and Police Employees' Retirement System and the Elected Officials Retirement System have a fiduciary responsibility to manage the assets of those retirement systems prudently, as well as in a manner consistent with sound public policy; now, therefore,

SECTION 1. *Be it resolved by the Mayor and City Council of Baltimore,* That it is ~~the~~ ITS intention ~~of the City of Baltimore~~ to immediately proceed with the process of disinvesting all monies ~~of~~ HELD IN TRUST BY the City retirement systems from the stocks, securities or other obligations of any company or subsidiary or affiliate doing business in South Africa or Namibia and to carry out this divestiture with responsible fiscal prudence;

SEC. 2. *And be it further resolved,* That the Boards of Trustees of the City's retirement systems shall, within 30 days of the passage of this resolution, provide to the Mayor and to the City Council a schedule of investments in companies and corporations doing business in or lending money to South Africa and Namibia;

SEC. 3. *And be it further resolved,* That the Boards of Trustees of the City's retirement systems shall, within 90 days of the passage of this resolution, pre-

sent to the Mayor and to the City Council an investment proposal designed to encourage the United States and foreign corporations whose securities are held in the portfolios of those retirement systems to improve their treatment of their non-white employees in South Africa and Namibia and take other tangible steps in substantial opposition to apartheid.

Approved September 23, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 43

(Council No. 922)

AN ORDINANCE A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
(TINDECO WHARF LIMITED PARTNERSHIP PROJECT)

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$25,000,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Tindeco Wharf Limited Partnership, a Maryland limited partnership, of a certain facility in Baltimore City consisting of the acquisition of the real property located at 2809 Boston Street in Baltimore City, the acquisition and renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, ~~to be owned by Tindeco Wharf Limited Partnership in the business of operating residential rental property~~ SUCH FACILITY TO BE USED TO PROVIDE APPROXIMATELY 240 RENTAL APARTMENT UNITS AT LEAST TWENTY PERCENT (20%) (OR AT LEAST FIFTEEN PERCENT (15%) IF THE PROJECT IS DEEMED TO BE A "TARGETED AREA PROJECT") OF WHICH RENTAL UNITS SHALL BE HELD TO BE LEASED TO PERSONS HAVING LOW OR MODERATE INCOMES IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 103(B)(4)(A) OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED, AND THE REGULATIONS PROMULGATED THEREUNDER, and functionally related and subordinate facilities SUCH FACILITY TO CONTAIN CERTAIN PUBLIC COMMERCIAL ENTERPRISES, ALL AS MORE FULLY DESCRIBED IN THIS RESOLUTION; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Tindeco Wharf Limited Partnership shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD

in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is six months from the date this ~~Ordinance~~ RESOLUTION is approved by the Mayor, unless the Board of Finance of the City approves one six month extension as provided in this ~~Ordinance~~ RESOLUTION; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);

(2) by selling them to one or more facility users under a sale agreement (as defined in the Act);

(3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or

(4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution ~~or an ordinance~~ pursuant to which it shall:

(1) specify and describe the facility or facilities;

(2) generally describe the public purposes to be served and the financing or refinancing transaction to be accomplished under the Act;

(3) specify the maximum principal amount of the bonds that may be issued; and

(4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution ~~or ordinance~~ may itself specify and prescribe, or may authorize:

(1) its finance board (as described in the Act), by resolution; or

(2) its chief executive officer (as defined in the Act), by executive order or otherwise; or

(3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated March 20, 1985, as amended as described below, (the "Letter of Intent") from Tindec Wharf Limited Partnership, a Maryland limited partnership (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$20,000,000. The Facility Appli-

cant has since amended the Letter of Intent (THE "AMENDED LETTER OF INTENT") requesting the issuance of such economic development revenue bonds in the aggregate principal amount not to exceed \$25,000,000.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds (hereinafter defined).

~~The Letter of Intent~~ THE CITY HAS RECEIVED A SECOND AMENDED LETTER OF INTENT (THE "2D AMENDED LETTER OF INTENT") WHICH indicates that the acquisition of the Facility will consist of and include the acquisition, expansion, renovation, improvement and equipping of the building BUILDINGS and related property (the "Facilities") located at 2809 Boston Street in the City of Baltimore, including (1) the acquisition of a tract of land the improvements of which are known as 2809 Boston Street, (2) the acquisition of all improvements, machinery and equipment thereon, (3) the renovation and remodeling of the existing building BUILDINGS to provide approximately 240 apartment units, AT LEAST TWENTY PERCENT (20%) (OR AT LEAST FIFTEEN PERCENT (15%) IF THE PROJECT IS DEEMED TO BE A "TARGETED AREA PROJECT") OF WHICH RENTAL UNITS SHALL BE HELD TO BE LEASED TO PERSONS HAVING LOW OR MODERATE INCOMES IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 103(B)(4)(A) OF THE INTERNAL REVENUE CODE OF 1954, AS AMENDED, AND THE REGULATIONS PROMULGATED THEREUNDER, parking facilities, and other functionally related and subordinate facilities SUCH PORTION OF THE FACILITY TO BE MANAGED INITIALLY BY WALLACE H. CAMPBELL & COMPANY, INC.; THE FACILITY TO INCLUDE CERTAIN ENTERPRISES INCLUDING BUT NOT LIMITED TO COMMERCIAL STORES, OFFICES AND OTHER FACILITIES OPEN TO THE PUBLIC, SOME OF WHICH FACILITIES MAY NOT BE FINANCED WITH THE PROCEEDS FROM THE SALE OF THE BONDS, SUCH PORTION OF THE FACILITY TO BE MANAGED INITIALLY BY STREUVER BROS, ECCLES & ROUSE, INC. (4) the acquisition of machinery and equipment and other useful improvements necessary or suitable for the operation of residential rental property or the operation of the Facilities FACILITY and (5) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, parking, utilities and other necessary site preparation.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$25,000,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the City and the Facility Applicant (a "Loan Agreement"); such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(1) MAKING THE PROCEEDS OF THE SALE OF THE BONDS AVAILABLE TO THE FACILITY APPLICANT AS A LOAN FOR THE PURPOSE OF FINANCING THE ACQUISITION OF THE FACILITY; OR (2) LOANING THE PROCEEDS OF SALE OF THE BONDS TO A MORTGAGE BANKER (THE "LENDER"), WHICH WILL USE SUCH PROCEEDS TO FUND A LOAN TO THE FACILITY APPLICANT TO FINANCE THE ACQUISITION OF THE FACILITY, IN EITHER CASE FOR THE SOLE AND EXCLUSIVE PURPOSE OF FINANCING COSTS, CHARGES, FEES AND EXPENSES IN CONNECTION WITH (A) THE ISSUANCE AND SALE OF THE BONDS AND (B) THE ACQUISITION OF THE FACILITY, EITHER UPON THE TERMS AND CONDITIONS OF A FINANCING AGREEMENT (HEREINAFTER DEFINED) BETWEEN THE FACILITY APPLICANT AND THE CITY AND OTHER DOCUMENTS APPROVED BY THE CITY OR OF A FINANCING AGREEMENT BETWEEN THE LENDER, THE FACILITY APPLICANT AND THE CITY AND OTHER DOCUMENTS APPROVED BY THE CITY WHICH PROVIDE FOR A LOAN OF THE PROCEEDS OF THE BONDS TO THE FACILITY APPLICANT; OR

(2) (3) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

When used in this Ordinance, the term "Financing Agreement" shall include any Loan Agreement, Lease, Sale Agreement, or other agreement under which the proceeds of the sale of the Bonds are made available to the Facility Applicant for the financing of the acquisition of the Facility.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it ~~ordained~~ RESOLVED by the Mayor and City Council of Baltimore,* That the words and terms used in this ~~Ordinance~~ RESOLUTION (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further ~~ordained~~ RESOLVED,* That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility is a "facility" within the meaning of the Act.
- (4) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.

(5) The Letter of Intent is a "letter of intent" within the meaning of the Act.

(6) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.

(7) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.

(8) The acquisition of the Facility and the financing thereof as provided in this ~~Ordinance~~ RESOLUTION will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(9) The City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant's within the jurisdiction of the City, and (c) the necessity for the issuance of the bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(10) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(11) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this ~~Ordinance~~ RESOLUTION. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further ~~ordained~~ RESOLVED*, That the City APPROVES AND IS AUTHORIZED AND EMPOWERED TO issue, sell and deliver the

Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$25,000,000, subject to the provisions of this Ordinance RESOLUTION. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(1) MAKE THE PROCEEDS OF THE SALE OF THE BONDS AVAILABLE TO THE FACILITY APPLICANT AS A LOAN FOR THE PURPOSE OF FINANCING THE ACQUISITION OF THE FACILITY; OR (2) LOAN THE PROCEEDS OF SALE OF THE BONDS TO A MORTGAGE BANKER (THE "LENDER"), WHICH WILL USE SUCH PROCEEDS TO FUND A LOAN TO THE FACILITY APPLICANT TO FINANCE THE ACQUISITION OF THE FACILITY, IN EITHER CASE FOR THE SOLE AND EXCLUSIVE PURPOSE OF FINANCING COSTS, CHARGES, FEES AND EXPENSES IN CONNECTION WITH (A) THE ISSUANCE AND SALE OF THE BONDS AND (B) THE ACQUISITION OF THE FACILITY, IN EACH CASE PURSUANT TO THE TERMS AND PROVISIONS OF THE FINANCING AGREEMENT; OR

(2) (3) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant OR THE LENDER make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Ordinance RESOLUTION, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$25,000,000; provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Ordinance.

SEC. 4. And be it further ~~ordained~~ RESOLVED, That this Ordinance RESOLUTION evidences the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the AMENDED Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this

Ordinance RESOLUTION. The City intends that the enactment of this **Ordinance RESOLUTION** shall be and constitute "official action" with respect to the \$5,000,000 of Bonds not authorized by Bill No. 722 (passed by the City Council on April 22, 1985) (the "INDUCEMENT Resolution") within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Internal Revenue Code of 1954, as amended. The City hereby confirms the official action with respect to the Bonds taken pursuant to the INDUCEMENT Resolution, which official action shall remain in effect from the date of the INDUCEMENT Resolution.

SEC. 5. *And be it further ~~ordained~~ RESOLVED*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further ~~ordained~~ RESOLVED*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further ~~ordained~~ RESOLVED*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by manual or facsimile signature, and by the Director of Finance of the City, by manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the

Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian or Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further ordained* **RESOLVED**, That any and all necessary financing statements required for the consummation of the transactions authorized by this ~~Ordinance~~ **RESOLUTION** may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further ordained* **RESOLVED**, That, as permitted by the Act, the provisions set forth in this ~~Ordinance~~ **RESOLUTION** for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this ~~Ordinance~~ **RESOLUTION**, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this ~~Ordinance~~ **RESOLUTION**. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this ~~Ordinance~~ **RESOLUTION** at any time. The City will agree to pay any bond anticipation notes issued pursuant to this ~~Ordinance~~ **RESOLUTION** and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

The authority to issue the Bonds is intended to and shall include the authority to issue revenue refunding bonds, and references herein to the "Bonds" shall include revenue refunding bonds where appropriate. In the event that any revenue

refunding bonds are issued, the outstanding principal amount of any "refunded bonds" (as hereinafter defined) shall not be taken into account in determining the aggregate principal amount of Bonds issued, sold and delivered hereunder. The term "refunded bonds" means any Bonds (i) for the payment of which (both principal and interest) provision has been made from the proceeds (including earnings on the investment thereof) of Bonds issued pursuant to this Ordinance RESOLUTION or from moneys made available for such purpose or (ii) which have been paid from such proceeds or such moneys, whether such provisions for payment, or such payment, is made at or prior to the maturity of such Bonds.

The authority to issue the Bonds is intended to include the authority to enter into an agreement with the Maryland Industrial Development Financing Authority providing for insurance of the payment or repayment of principal of, redemption or repayment premiums or penalties on, and interest on the Bonds.

SEC. 10. *And be it further ~~ordained~~ RESOLVED*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further ~~ordained~~ RESOLVED*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall finally approve the issuance of the Bonds of any series;

(2) (1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(3) (2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(4) (3) may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(5) (4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(6) (5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for

the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(7) (6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(8) (7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(9) (8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this ~~Ordinance~~ RESOLUTION;

(10) (9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(11) (10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution or ordinance authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(12) (11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(13) (12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this ~~Ordinance~~ RESOLUTION, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further ~~ordained~~ RESOLVED*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this ~~Ordinance~~ RESOLUTION, by such vote, and the Mayor of the City, by his approval of this ~~Ordinance~~ RESOLUTION, individually certifies under penalty of perjury that such vote or such approval was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further ~~ordained~~ RESOLVED*, That the provisions of this ~~Ordinance~~ RESOLUTION are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ~~Ordinance~~ RESOLUTION or their application to other persons or circumstances. It is hereby declared to be the

legislative intent that this ~~Ordinance~~ RESOLUTION would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this ~~Ordinance~~ RESOLUTION or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further ~~ordained~~ RESOLVED*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this ~~Ordinance~~ RESOLUTION in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the six months from the date on which this ~~Ordinance~~ RESOLUTION is approved by the Mayor of the City, provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this ~~Ordinance~~ RESOLUTION is approved by the Mayor of the City, the authority provided in this ~~Ordinance~~ RESOLUTION for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further ~~ordained~~ RESOLVED*, That this ~~Ordinance~~ RESOLUTION shall take effect from the date of its passage.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 44

(Council No. 943)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(ERDMAN WAREHOUSE FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$3,000,000 pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, for the sole and exclusive purpose of

financing the costs of the acquisition by Erdman Warehouse Limited Partnership, a Maryland Limited Partnership, of a certain facility in Baltimore City consisting of (a) the acquisition of a tract of land containing approximately 11 acres, known as 4401 Erdman Avenue, Baltimore, Maryland 21213 and located in Baltimore City, (b) the renovation of all or part of two buildings of approximately 328,000 square feet thereon consisting of a warehouse facility, (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, including forklifts and racks, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; to be owned by Erdman Warehouse Limited Partnership and leased, AT LEAST IN PART, to Levenson & Klein, Inc. for use as a warehouse in its business of the retail sales of home furnishings and accessories and to others (including, but not limited to, Goodyear Tire and Rubber Company, The May Department Stores Company, Rockland Industries, Inc., Port City Warehouse Corporation and Monarch Services); PERHAPS LEASED OR SUBLEASED TO OTHER TENANTS AS WAREHOUSE AND RETAIL SPACE, authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated July 5, 1985, from Erdman Warehouse Limited Partnership and Levenson & Klein, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Erdman Warehouse Limited Partnership shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of

preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;
- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or
- (2) its chief executive officer (as defined in the Act), by executive order or otherwise; or
- (3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer,

to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated July 5, 1985 (the "Letter of Intent") from Erdman Warehouse Limited Partnership, a Maryland limited partnership (the "Facility Applicant"), and Levenson & Klein, Inc., a Maryland corporation (the "Facility User"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$3,000,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses both the Facility Applicant's and Facility User's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds (hereinafter defined) will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Facility Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of a tract of land containing approximately 11 acres, known as 4401 Erdman Avenue, Baltimore, Maryland 21213 and located in Baltimore City, (b) the renovation of all or part of two buildings of approximately 328,000 square feet thereon consisting of warehouse facility, (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, including forklifts and racks, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Facility will be owned by the Facility Applicant and leased, AT LEAST IN PART, to the Facility User for use as a warehouse in its business of the retail sales of home furnishings and accessories and ~~to others (including, but not limited to, Goodyear Tire and Rubber Company, The May Department Stores Company, Rockland Industries, Inc., Port City Warehouse Corporation and Monarch Services)~~ PERHAPS. LEASED OR SUBLEASED TO OTHER TENANTS AS WAREHOUSE AND RETAIL SPACE.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$3,000,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the City and the Facility Applicant (a "Loan Agreement") such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility User is also "facility user" within the meaning of the Act; and ANY other tenants ~~(including, but not limited to Goodyear Tire and Rubber Company, The May Department Stores Company, Rockland Industries, Inc., Port City Warehouse Corporation and Monarch Services)~~ are also "facility users" within the meaning of the Act, or shall become "facility users" at the time they lease space in the Facility.
- (4) The Facility is a "facility" within the meaning of the Act.
- (5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (6) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (9) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in the City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in the City; (d) promoting economic development in the State and in the City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and the City. Specifically, as indicated in the Letter of Intent, the acquisition of the Facility will enable the Facility User to (i) maintain its commercial and industrial operations in the City; (ii) relieve conditions of unemployment in the City and the State; (iii) encourage the increase of industry in the City and the State, and (iv) promote economic development and the health, welfare and safety of the residents of the City and the State.
- (10) Based on information provided to the City by the Facility Applicant and the Facility User, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant and the Facility User within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and oversight as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$3,000,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that

may be issued is \$3,000,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Facility Applicant contemplate that, upon the effectiveness of this Resolution, the Facility Applicant may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws) within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of

this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bond of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 10 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Resolution in anticipation of the is-

suance of the Bonds must be issued and sold on or before December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from December 31, 1985. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its approval by the Mayor of the City.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 45

(Council No. 946)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS
(DENRICH ASSOCIATES FACILITY)

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its faith and credit or pledge of its taxing powers, of one or more series of its bonds (as defined in such Act) in an aggregate principal amount not to exceed \$2,500,000, for the purpose of financing the costs of the acquisition, renovation and construction by Denrich Associates, a Maryland general partnership, of a certain facility (as defined in such Act) located or to be located at 4701 O'Donnell Street, Baltimore, Maryland and to be used by Denrich Associates, to renovate, rehabilitate and expand the existing improvements on the property for use as a warehouse and food distribution centre, and for offices; including the acquisition of land by purchase or lease, parking lots, roads, entrances, fences, and other improvements related thereto, and providing necessary or appropriate equipment in connection therewith; and/or to be leased to Valu Food, Inc. So-Lo Food, Inc. or Civic Food Center, Inc. and/or sold to others for such purposes; providing for the issuance and sale of notes in anticipation of the issuance and sale of such bonds; authorizing the Mayor of the City of Baltimore to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; and specifying

and describing various matters in connection therewith, as required or permitted by such Act and provided for the extension of the authority for issuance of the bonds granted by this Resolution.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "State") and a "County" and "Public Body" within the meaning of the Act (the "Public Body"), has received a letter of intent dated July 11, 1985 (as supplemented by letter dated August 5, 1985), copies of which are attached hereto as Exhibit A and made a part hereof (the "Letter of Intent"), from Denrich Associates, a Maryland general partnership (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the Public Body to participate in the financing of the costs of the acquisition of a facility located or to be located in Baltimore City, Maryland (the "Facility"), by the issuance and sale by the Public Body of its bonds in an aggregate principal amount not to exceed \$2,500,000, pursuant to and in accordance with the Act.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include:

(1) the renovation and rehabilitation and expansion of existing improvements at 4701 O'Donnell Street, Baltimore City, Maryland, by the Facility Applicant for use as a warehouse and food distribution center and for offices, including parking lots, roads, entrances, fences and other improvements related thereto, and

(2) the acquisition and installation of certain necessary or useful equipment, furniture and machinery, and

(3) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation.

The Letter of Intent indicates that the Facility Applicant will use the Facility as a warehouse office or food distribution center or lease the Facility to Valu Food, Inc., So-Lo Food, Inc. or Civic Food Center, Inc. for such purposes.

The Letter of Intent expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pur-

suant to Section 103(b) of the Internal Revenue Code of 1985, as amended. The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Internal Revenue Code of 1954, as amended, imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges in the Letter of Intent that Section 103(n) provides a formula for the allocation of the state volume limitation, but that each state by law enacted, and the Governor of each state on an interim basis has the authority to provide a different formula for the allocation of such volume limitation. In addition, the Letter of Intent contains an acknowledgement by the Facility Applicant that the Public Body reserves certain rights concerning the issuance of such bonds as provided herein.

Additionally, in the Letter of Intent the Facility Applicant also acknowledges that the issuance of such bonds by the Public Body is subject to Compliance with the "Proclamation on Private Activity Bond Allocations for 1985 and Later" signed by Governor Harry Hughes on January 14, 1985 (the "Proclamation") and that, in particular, Section 7 of the Proclamation provides that prior to the approval of the issuance of Private Activity Bonds for any project, the Public Body shall consider (a) the availability or feasibility of conventional financing on reasonable terms to finance such project, (b) the competitive effect of the issuance of such Private Activity Bonds on other business entities conducting business activities similar to those of the user of such project within the jurisdiction of the Public Body and (c) the necessity for the issuance of such Private Activity Bonds for competitive economic development purposes to insure job opportunities and to provide for a sufficient tax base.

As required by Section 8 of the Proclamation, the Facility Applicant has advised the Public Body in the Letter of Intent that the Facility Applicant "shall make best efforts to use minority firms, as defined in Section 8-601 of Article 41 of the Annotated Code of Maryland," in the acquisition of the Facility or the provision of services or supplies with the proceeds of the Bonds.

The Public Body has considered the above factors in determining whether to approve the issuance of the Public Body's bonds to acquire the facility.

The Public Body, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its bonds in an aggregate principal amount not to exceed \$2,500,000 (the "Bonds"), and, at the election of the Facility Applicant, by either: (1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements (as defined in the Act) to be entered into between the Public Body and the Facility Applicant; or (2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases (as defined in the Act) to be entered into between the Public Body and the Facility Applicant, or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements (as defined in

the Act) to be entered into between the Public Body and the Facility Applicant. Any loan agreement or lease or sale agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC 2. *And be it further resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The Public Body is a "public body" and an incorporated municipality and a "County" within the meaning of the Act; the Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility User is a "facility user" within the meaning of the Act; the Mayor of the Public Body is the "chief executive officer" of the Public Body within the meaning of the Act; and the Letter of Intent is a "letter of intent" within the meaning of the Act.

(2) The words "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.

(3) The issuance and sale of the Bonds by the Public Body, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.

(4) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City (d) promoting economic development; and (e) generally promoting health, welfare and safety of the residents of the State and Baltimore City. Specifically, as indicated in the Letter of Intent, the acquisition of the Facility will eventually provide approximately 140 new jobs after completion of the Facility.

(5) The Bonds of any series and the interest on them are limited obligations of the Public Body the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility and from any other moneys made available to the Public Body for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Public Body within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Public Body.

(6) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the Public Body's funds or will be subject to the absolute control of the Public Body, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the Public Body to insure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. And be it further resolved by Mayor and City Council of Baltimore, That this Resolution among other things, evidences the present intent of the Public Body to issue, sell and deliver the Bonds in accordance with the terms and provisions of this Resolution. The Mayor of the Public Body is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the Public Body in order to further evidence the intent of the Public Body to issue and sell the Bonds in accordance with the terms and provisions of this Resolution. The Public Body and the Facility Applicant contemplate that, upon the effectiveness of this Resolution, the Facility Applicant may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds.

SEC. 4. And be it further resolved by Mayor and City Council of Baltimore, That the Public Body issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, in an aggregate principal amount not to exceed \$2,500,000, subject to the provisions of this Resolution. The Public Body, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a loan agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a sale agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the Public Body to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent per-

mitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$2,500,000, provided that the bond anticipation notes may be issued and sold as provided in Section 5 hereof.

SEC. 5. *And be it further resolved by Mayor and City Council of Baltimore,* That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the legislative body of the Public Body. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 4 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes, when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 4 of this Resolution at any time. The Public Body will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the Public Body will agree to issue such Bonds, when and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the Public Body, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 6. *And be it further resolved by Mayor and City Council of Baltimore,* That the Bonds may be issued at any time or from time to time and in one or more series, and each series of the Bonds shall be identified by the year of issue or by some other or additional appropriate designation.

SEC. 7. *And be it further resolved by Mayor and City Council of Baltimore,* That the Bonds shall be executed in the name of the Public Body and on its behalf by the Mayor of the Public Body, by his manual or facsimile signature, and by the Chief of the Bureau of Treasury Management of the Public Body, by his manual signature, and the corporate seal of the Public Body or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Chief of the Bureau of Treasury Management of the Public Body, by his manual or facsimile signature. Any Financing Agreement and, where applicable, all other documents as the Mayor of the Public Body deems necessary to effectuate the issuance, sale and delivery of the Bonds of any series, shall be executed in the name of the Public Body and on its behalf by the Mayor of the Public Body by his manual signature, and the corporate seal of the Public Body or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Chief of the Bureau of Treasury Management by a manual signature. If any officer whose signature or countersignature or a facsimile of whose signature or counter-

signature appears on the Bonds of any series or any coupons or any of the aforesaid documents ceases to be such officer before the delivery of the Bonds of such series or any of the other aforesaid documents, such signature or countersignature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the Public Body, the Chief of the Bureau of Treasury Management of the Public Body and other officials of the Public Body are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the Public Body may determine to be necessary to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution.

SEC. 8. *And be it further resolved by Mayor and City Council of Baltimore,* That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the Public Body deems it to be in the best interests of the Public Body to sell the Bonds of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the Public Body deems to be in the best interests of the Public Body.

SEC. 9. *And be it further resolved by Mayor and City Council of Baltimore,* That prior to the issuance, sale and delivery of the Bonds of any series, the Mayor of the Public Body, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the Public Body is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the Public Body;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 8 of this Resolution.

(9) provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or behalf of the Public Body in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the Public Body performing services by or on behalf of the Public Body in connection therewith);

(10) may provide for the issuance and sale (subject to the passage at the time of any appropriate resolution authorizing the same) or one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the Public Body deems reasonable; and

(12) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. *And be it further resolved by Mayor and City Council of Baltimore,* That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 11. *And be it further resolved by Mayor and City Council of Baltimore,* That the Public Body reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the Public Body in order to insure that the Public Body (a) complies with present federal and state laws, regulations or proclamations which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Internal Revenue Code), and (b) issues its bonds (within the meaning of the Act, Section 103(n) of the Internal

Revenue Code and any present or future state and local laws, regulations or proclamations), within the limits imposed by any such laws, regulations or proclamations to finance those facilities which the Public Body determines, in its sole and absolute discretion, will provide the greatest benefit to the Public Body.

The Public Body reserves the right, in its sole and absolute discretion, to, among other things (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any actions deemed necessary by the Public Body in its sole and absolute discretion.

SEC. 12. *And be it further resolved by Mayor and City Council of Baltimore,* That either the Bonds, or Bond anticipation notes issued pursuant to Section 5 of this Resolution, in anticipation of the issuance of the Bonds, must be issued and sold on or before the date which is the earlier of: (a) six (6) months from the date on which this Resolution is approved by the Mayor of Baltimore City, or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board") after a showing of good cause at a public hearing held before the Board, prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one (1) additional period not to exceed six (6) months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency or lack thereof of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor, must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time period set forth in this Section from the date on which this Resolution is approved by the Mayor of Baltimore City, the authority provided in this Resolution shall expire.

SEC. 13. *AND BE IT FURTHER RESOLVED BY MAYOR AND CITY COUNCIL OF BALTIMORE, THAT AS REQUIRED BY SECTION 103(N) (1)(A) OF THE INTERNAL REVENUE CODE OF 1954, EACH MEMBER OF THE CITY COUNCIL OF THE CITY WHO VOTED IN FAVOR OF THE PASSAGE OF THIS RESOLUTION, BY SUCH VOTE AND THE MAYOR OF THE CITY, BY HIS APPROVAL OF THIS RESOLUTION HEREBY INDIVIDUALLY CERTIFIES UNDER PENALTY OF PERJURY THAT ANY ALLOCATION BY THE CITY OF ANY STATE VOLUME LIMITATION ON THE AGGREGATE AMOUNT OF "PRIVATE ACTIVITY BONDS" (AS DEFINED IN THE INTERNAL REVENUE CODE OF 1954) WHICH CAN BE ISSUED BY THE STATE, ITS AGENCIES AND POLITICAL SUBDIVISIONS, ESTABLISHED PURSUANT TO SECTION 103(N) OF THE INTERNAL REVENUE CODE OF 1954, WAS NOT MADE IN CONSIDERATION OF ANY BRIBE, GIFT, GRATUITY, DIRECT OR INDIRECT CONTRIBUTION TO ANY POLITICAL CAMPAIGN.*

SEC. 14. *And be it further resolved by Mayor and City Council of Baltimore,* That this Resolution shall take effect on the date of its adoption.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, Mayor.

Resolution No. 46

(Council No. 949)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(BROTHERS OBRECHT LIMITED PARTNERSHIP FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell its bonds, as its limited obligations and not upon its faith and credit or pledge of its taxing power, in one or more series, in an aggregate principal amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000), pursuant to the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Brothers Obrecht Limited Partnership, a Maryland limited partnership of a certain facility to be constructed in three phases in Baltimore City consisting of (a) in Phase I, the acquisition of a four acre, more or less, tract of land located between Holabird Avenue and Portal Street, in the Holabird Industrial Park in Baltimore City, Maryland and the construction thereon of a one story masonry office and warehouse facility containing approximately 60,000 square feet to be completed on or around January of 1986, approximately 30,000 square feet of such building to be leased by Brothers Obrecht Limited Partnership, a Maryland limited partnership to Ris Paper Company Washington, Inc., a Delaware corporation for use in its business of the distribution of paper products and the remainder of such building to be leased to one or more tenants whose identities are not yet known; (b) in Phase II, the acquisition of a four acre, more or less, tract of land located just west of Phase I at the intersection of Holabird Avenue and Portal Street, in the Holabird Industrial Park, and the construction thereon of a one story masonry office, warehouse and manufacturing facility containing approximately 62,000 square feet to be completed on or around January of 1987, such building to be leased by Brothers Obrecht Limited Partnership to one or more tenants whose identities are not yet known; (c) in Phase III, the acquisition of a four acre, more or less, tract of land located at the intersection of Dundalk Avenue and Chandlery Street in the Holabird Industrial Park, and the construction thereon of a one story masonry office, warehouse and manufacturing facility containing approximately 56,700 square feet to be completed on or around January 1987, such building to be leased by Brothers Obrecht Limited Partnership to one or more tenants whose identities are not yet known; (d) the purchase and installation of certain machinery and equipment necessary for the foregoing; and (e) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads, and rights of access, utilities and other necessary site preparation facilities; specifying and describing the facility to be financed; describing generally the public purpose to be served and the financing transaction to be accomplished; specifying the maximum aggregate principal amount of bonds that may be issued; authorizing the Board of Finance of the City by a resolution or resolutions adopted prior to the

issuance, sale and delivery of any series of such bonds to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; authorizing the Mayor of the City, by executive order or otherwise, to do any or all of the foregoing; making certain legislative findings; and specifying and describing various matters in connection therewith, as required or permitted by such Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended (the "Act"), provides that in order to accomplish the legislative policy of the Act, any public body (as defined in the Act) to issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time or from time to time, in one or more series for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

Mayor and City Council of Baltimore, a body corporate and politic and a political subdivision of the State of Maryland (the "State"), and a public body (as defined in the Act), (the "Public Body"), has received a letter of intent dated August 9, 1985 (the "Letter of Intent") from Brother's Obrecht Limited Partnership, a Maryland limited partnership (the "Borrower"), and an Application dated August 9, 1985 (the "Application"), pursuant to which the Borrower has requested the Public Body to participate in the financing of the costs of the acquisition of a facility located or to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the Public Body of its bonds in an aggregate principal amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000), pursuant to and in accordance with the Act.

The acquisition of the Facility will be in three phases consisting of (a) in Phase I, the acquisition of a four acre, more or less, tract of land located between Holabird Avenue and Portal Street, in the Holabird Industrial Park in Baltimore City, Maryland and the construction thereon of a one story masonry office and distribution facility containing approximately 60,000 square feet to be completed on or around January of 1986, approximately 30,000 square feet of such building to be leased by the Borrower to Ris Paper Company Washington, Inc., a Delaware corporation for use in its business of the distribution of paper products and the remainder of such building to be leased to one or more tenants whose identities are not yet known; (b) in Phase II, the acquisition of a four acre, more or less, tract of land located just west of Phase I at the intersection of Holabird Avenue and Portal Street, in the Holabird Industrial Park, and the construction thereon of a one story masonry office, warehouse and manufacturing facility con-

taining approximately 62,000 square feet to be completed on or around January of 1987, such building to be leased by the Borrower to one or more tenants whose identities are not yet known; (c) in Phase III, the acquisition of a four acre, more or less, tract of land located at the intersection of Dundalk Avenue and Chandlery Street in the Holabird Industrial Park, and the construction thereon of a one story masonry office, warehouse and manufacturing facility containing approximately 56,700 square feet to be completed on or around January 1987, such building to be leased by the Borrower to one or more tenants whose identities are not yet known; (d) the purchase and installation of certain machinery and equipment necessary for the foregoing; and (e) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including road, and the right of access, utilities and other necessary preparation facilities.

The acquisition of the Facility will result in the increase of a number of new jobs in Baltimore City, as set forth in the Letter of Intent and in the Application.

The Public Body, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its bonds in an aggregate principal amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) (the "Bonds"). The proceeds of the Bonds shall be applied in accordance with Sections 266D(a) and (b) of the Act and this Resolution.

The Letter of Intent expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that (i) Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions, and (ii) that the Bonds will be subject to the Public Body's volume cap. The Borrower further acknowledges that Section 103(n) provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on interim basis, has the authority to provide a different formula for the allocation of such volume limitation. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the Public Body reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

(5) Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, or interest on the Bonds will be commingled with the Public Body's funds or will be subject to the absolute control of the Public Body, but will be subject only to such limited supervision and checks and the Public Body shall retain only those rights as it deems necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The Facility does not constitute a capital project of the Public Body within the meaning of any statutory or charter provision. The acquisition of the Facility will achieve the public purpose of the Act.

(6) In compliance with Executive Order 01.01.1985.01, Proclamation on Private Activity Bond Allocations for 1985 and Later, by Harry Hughes, Governor of the State of Maryland and based upon information contained in the Application: (a) the Public Body has considered the feasibility of conventional financing on reasonable terms to finance the Facility; (b) the Public Body has considered the competitive effect of the issuance of the Bonds on other business entities conducting similar businesses in Baltimore City; and (c) the Public Body has considered the necessity for the issuance of the Bonds to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further resolved*, That this Resolution, among other things, evidences the present intent of the Public Body to issue, sell and deliver the Bonds, in accordance with the terms and provisions of this Resolution. The Mayor of the Public Body (the "Mayor") is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the Public Body in order to further evidence the present intent of the Public Body to issue and sell the Bonds in accordance with the terms and provisions of this Resolution. The Public Body intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The Public Body and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Facility prior to satisfaction of the conditions described in Section 9 hereof, the Borrower does so at its own risk.

SEC. 3. *And be it further resolved*, That the Public Body is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time, or from time to time, and in one or more series, in an aggregate principal amount not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000.00), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation notes are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provision for the payment of which has been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account in determining the aggregate principal amounts of bonds issued, sold and delivered pursuant to this Resolution.

SEC. 4. *And be it further resolved*, That the Bonds shall mature not later than 30 years from their date of issuance.

SEC. 5. *And be it further resolved*, That the Public Body will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of a loan agreement (within the meaning of the Act) or a financing agreement (the "Loan Agreement"), to be used by the Borrower for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, which Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the Public Body to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. *And be it further resolved*, That the Public Body reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the Public Body in order to insure that the Public Body (a) complies with present federal and state laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Act, Section 103(n) of the Code and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the Public Body determines, in its sole and absolute discretion, will provide the greatest benefit to the Public Body.

In particular, since the Public Body may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the Public Body reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the Public Body reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the Public Body, in its sole and absolute discretion, in order to insure that the Public Body achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it further resolved*, That the Bonds shall be executed in the name of the Public Body and on its behalf by the Mayor, by his manual or facsimile signature, and by Director of Finance of the Public Body, by his manual or facsimile signature, and the corporate seal of the Public Body or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Mayor, the Director of Finance of the Public Body, the Custodian of the City Seal and other officials of the Public Body are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, seal and deliver on behalf of the Public Body such documents and certificates, including (without limitation) the Loan Agreement, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution.

SEC. 8. *And be it further resolved*, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other price as the Board of Finance or the Mayor, with the consent of the Borrower, deems appropriate, or may be sold at a public sale, at par, above par or below par, with the consent of the Borrower, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interests of the Public Body.

SEC. 9. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, or any series thereof, the Board of Finance by a resolution or

resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, or the Mayor, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms, and conditions of and security for the Bonds;

(2) shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities for the Bonds;

(3) may appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

(4) shall approve the form and contents of, and execute and deliver (where applicable), the Loan Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the Public Body is a party and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

(5) may prepare and distribute, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters or placement agents for the Bonds of any series, both a preliminary and a final official statement, offering memorandum or other similar document in connection with the sale of the Bonds of any series, if determined to be necessary or desirable in connection with the sale of the Bonds;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Board of Finance or the Mayor;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(8) may determine the method, and shall approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution;

(9) shall provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the Public Body in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the Public Body) performing services by or on behalf of the Public Body in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of any appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds, and for the payment of interest on the Bonds during the period of construction of the Facility and during such limited period thereafter, as the Board of Finance or the Mayor deems reasonable; and

(12) may specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and the Board of Finance or the

Mayor may do any and all things appropriate for the authorization, sale, security, issuance, delivery or payment of or for the Bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. *And be it further resolved*, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 9 hereof, and the Mayor is hereby authorized and empowered to execute and deliver one or more executive orders from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, the Loan Agreement, any trust agreement or similar agreement and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each such supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution, and the documents executed in connection with the Bonds and then in effect.

SEC. 11. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it further resolved*, That either the Bonds or any bond anticipation notes must be issued and sold within six (6) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such six month period, or (b) the Board of Finance, after a showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such six month period, may extend the period during which either the Bonds or any bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six month period expires. The Board of Finance or the Mayor shall have the sole and absolute discretion without action by the City Council of the Public Body to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension of the first six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Resolution

is approved by the Mayor, the authority provided in this Resolution for the Public Body to issue and sell the Bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue Bonds, as contained in this Resolution shall not affect the present intent of the Public Body to issue the Bonds, as described in Section 2 hereof.

SEC. 13. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the Public Body who votes in favor of, or against, the adoption of this Resolution, and the Mayor, by his approval or veto of this Resolution, hereby certifies under penalty of perjury, that the allocation granted to the Borrower by the Public Body of any volume cap of the State has not been made in consideration of any gift, gratuity, bribe or direct or indirect contribution to any political campaign.

SEC. 14. *And be it further resolved*, That this Resolution shall take effect on the date of its approval by the Mayor.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 47

(Council No. 950)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(THE JOHN D. LUCAS PRINTING COMPANY FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell its bonds, as its limited obligations and not upon its faith and credit or pledge of its taxing power, in one or more series, in an aggregate principal amount not to exceed Two Million Dollars (\$2,000,000), pursuant to the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs of a certain facility in Baltimore City consisting of the acquisition and installation in a building leased by The John D. Lucas Printing Company located at 1820 Portal Street in the Holabird Industrial Park of certain commercial printing machinery and equipment including: super 70 projection platemaking system, data prep station, auto plot station, power supply control cabinet, plotter control unit, video display keyboard, color scanner, film processor, cromaline machine, color offset printing press, finishing line, infrared dryer, blanket coater, and perfect binder, to be owned and used by The John D. Lucas Printing Company, a Maryland corporation, in its business of commercial printing, primarily for such things as children's books, annual reports, alumni magazines, college catalogues; specifying and describing the facility to be financed; describing

generally the public purposes to be served and the financing transaction to be accomplished; specifying the maximum aggregate principal amount of bonds that may be issued; authorizing the Board of Finance of the City by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; authorizing the Mayor of the City, by executive order or otherwise, to do any or all of the foregoing; making certain legislative findings; and specifying and describing various matters in connection therewith, as required or permitted by such Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended (the "Act"), provides that in order to accomplish the legislative policy of the Act, any public body (as defined in the Act) to issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time or from time to time, in one or more series for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

Mayor and City Council of Baltimore, a body corporate and politic and a political subdivision of the State of Maryland (the "State"), and a public body (as defined in the Act), (the "Public Body"), has received a letter of intent dated July 25, 1985 (the "Letter of Intent") from The John D. Lucas Printing Company, a Maryland corporation (the "Borrower"), and an Application dated July 25, 1985 (the "Application"), pursuant to which the Borrower has requested the Public Body to participate in the financing of the costs of the acquisition of a facility located or to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the Public Body of its bonds in an aggregate principal amount not to exceed Two Million Dollars (\$2,000,000), pursuant to and in accordance with the Act.

The acquisition of the Facility will consist of and include the acquisition and installation in a building leased by The John D. Lucas Printing Company located at 1820 Portal Street in the Holabird Industrial Park of certain commercial printing machinery and equipment including: super 70 projection platemaking system, data prep station, auto plot station, power supply control cabinet, plotter control unit, video display keyboard, color scanner, film processor, cromaline machine, color offset printing press, finishing line, infrared dryer, blanket coater, and perfect binder.

The Facility will be owned by the Borrower for use in its business of commercial printing, primarily for such things as children's books, annual reports, alumni magazines, and college catalogues.

The acquisition of the Facility will modernize and expand the capabilities of the Borrower's operation and will result in the increase of a number of new jobs in Baltimore City, as set forth in the Letter of Intent and in the Application.

The Public Body, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its bonds in an aggregate principal amount not to exceed Two Million Dollars (\$2,000,000) (the "Bonds"). The proceeds of the Bonds shall be applied in accordance with Sections 266D(a) and (b) of the Act and this Resolution.

The Letter of Intent expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the Public Body's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the Public Body reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

The word "bonds" shall have the meaning indicated in the Act and includes bond anticipation notes issued in anticipation of the issuance and sale of the bonds, and it is intended that the provisions of this Resolution applying to "bonds" and "Bonds" shall include such bond anticipation notes, and any refunding bonds issued to refund any bonds or bond anticipation notes issued pursuant to this Resolution, and shall include separate series of bonds, whether issued at the same time or at different times, unless the context clearly requires a contrary meaning. Words and terms used in this Resolution (including these Recitals) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by the Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The Borrower is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility is a "facility" within the meaning of the Act; the Letter of Intent is a "letter of intent" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

(2) The issuance and sale of the Bonds by the Public Body, pursuant to the provisions of the Act, in order to make the proceeds thereof available to the Borrower for the purpose of financing the acquisition of the Facility, including the necessary expenses of preparing, printing, selling and issuing the Bonds, the

funding of reserves and the payment of interest with respect to financing such acquisition, will facilitate and expedite the acquisition of the Facility.

(3) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in Baltimore City; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(4) The Bonds and the interest thereon will be limited obligations of the Public Body, and the principal of, premium, if any, and interest thereon shall be payable solely from the revenues received in connection with the financing of the Facility or from any other moneys made available to the Public Body for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the bonds in anticipation of which such notes were issued. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Public Body within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Public Body.

(5) Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, or interest on the Bonds will be commingled with the Public Body's funds or will be subject to the absolute control of the Public Body, but will be subject only to such limited supervision and checks and the Public Body shall retain only those rights as it deems necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The Facility does not constitute a capital project of the Public Body within the meaning of any statutory or charter provision. The acquisition of the Facility will achieve the public purposes of the Act.

(6) In compliance with Executive Order 01.01.1985.01, Proclamation on Private Activity Bond Allocations for 1985 and Later, by Harry Hughes, Governor of the State of Maryland and based upon information contained in the Application; (a) the Public Body has considered the feasibility of conventional financing on reasonable terms to finance the Facility; (b) the Public Body has considered the competitive effect of the issuance of the Bonds on other business entities conducting similar businesses in Baltimore City; and (c) the Public Body has considered the necessity for the issuance of the Bonds to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further resolved*, That this Resolution, among other things, evidences the present intent of the Public Body to issue, sell and deliver the Bonds, in accordance with the terms and provisions of this Resolution. The

Mayor of the Public Body (the "Mayor") is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the Public Body in order to further evidence the present intent of the Public Body to issue the Bonds in accordance with the terms and provisions of this Resolution. The Public Body intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The Public Body and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Facility prior to satisfaction of the conditions described in Section 9 hereof, the Borrower does so at its own risk.

SEC. 3. *And be it further resolved*, That the Public Body is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time, or from time to time, and in one or more series, in an aggregate principal amount not to exceed Two Million Dollars (\$2,000,000.00), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation notes are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provision for the payment of which has been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account in determining the aggregate principal amounts of bonds issued, sold and delivered pursuant to this Resolution.

SEC. 4. *And be it further resolved*, That the Bonds shall mature not later than 30 years from their date of issuance.

SEC. 5. *And be it further resolved*, That the Public Body will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of a loan agreement (within the meaning of the Act) or a financing agreement (the "Loan Agreement"), to be used by the Borrower for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, which Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the Public Body to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. *And be it further resolved*, That the Public Body reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the Public Body in order to insure that the Public Body (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Act, Section 103(n) of the Code and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the Public Body determines, in its sole and absolute discretion, will provide the greatest benefit to the Public Body.

In particular, since the Public Body may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the Public Body reserves

the right to choose to issue its bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the Public Body reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the Public Body, in its sole and absolute discretion, in order to insure that the Public Body achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it further resolved*, That the Bonds shall be executed in the name of the Public Body and on its behalf by the Mayor, by his manual or facsimile signature, and by the Director of Finance of the Public Body, by his manual or facsimile signature, and the corporate seal of the Public Body or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Mayor, the Director of Finance of the Public Body, the Custodian of the City Seal and other officials of the Public Body are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, seal and deliver on behalf of the Public Body such documents and certificates, including (without limitation) the Loan Agreement, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution.

SEC. 8. *And be it further resolved*, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other price as the Board of Finance or the Mayor, with the consent of the Borrower, deems appropriate, or may be sold at a public sale, at par, above par or below par, with the consent of the Borrower, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interests of the Public Body.

SEC. 9. *And be it further resolved*, that prior to the issuance, sale and delivery of the Bonds, or any series thereof, the Board of Finance by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, or the Mayor, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

(2) shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities for the Bonds;

(3) may appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

(4) shall approve the form and contents of, and execute and deliver (where applicable), the Loan Agreement, and such other documents, including (without

limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the Public Body is a party and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

(5) may prepare and distribute, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters or placement agents for the Bonds of any series, both a preliminary and a final official statement, offering memorandum or other similar document in connection with the sale of the Bonds of any series, if determined to be necessary or desirable in connection with the sale of the Bonds;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Board of Finance or the Mayor;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(8) may determine the method, and shall approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution.

(9) shall provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the Public Body in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the Public Body) performing services by or on behalf of the Public Body in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of any appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds, and for the payment of interest on the Bonds during the period of construction of the Facility and during such limited period thereafter, as the Board of Finance or the Mayor deems reasonable; and

(12) may specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and the Board of Finance or the Mayor may do any and all things appropriate for the authorization, sale, security, issuance, delivery or payment of or for the Bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. *And be it further resolved*, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 9 hereof, and the Mayor is hereby authorized and empowered to execute and deliver one or more executive orders from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the

provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, the Loan Agreement, any trust agreement or similar agreement and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each such supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution, and the documents executed in connection with the Bonds and then in effect.

SEC. 11. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it further resolved*, That either the Bonds or any bond anticipation notes must be issued and sold within six (6) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such six month period, or (b) the Board of Finance, after a showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such six month period, may extend the period during which either the Bonds or any bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six month period expires. The Board of Finance or the Mayor shall have the sole and absolute discretion without action by the City Council of the Public Body to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension of the first six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the Public Body to issue and sell the Bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue Bonds, as contained in this Resolution shall not affect the present intent of the Public Body to issue the Bonds, as described in Section 2 hereof.

SEC. 13. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the Public Body who votes in favor of, or against, the adoption of this Resolution, and the Mayor, by his approval or veto of this Resolution, hereby certifies under penalty of perjury, that the allocation granted to the Borrower by the Public Body of any volume cap of the State has not been made in consideration of any gift, gratuity, bribe or direct or indirect contribution to any political campaign.

SEC. 14. *And be it further resolved*, That this Resolution shall take effect on the date of its approval by the Mayor.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 48

(Council No. 951)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
(LUCAS REALTY LIMITED PARTNERSHIP FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell its bonds, as its limited obligations and not upon its faith and credit or pledge of its taxing power, in one or more series, in an aggregate principal amount not to exceed Two Million Four Hundred Thousand Dollars (\$2,400,000), pursuant to the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs of a certain facility in Holabird Industrial Park in Baltimore City which will be owned by Lucas Realty Limited Partnership and leased to The John D. Lucas Printing Company for use in its business of commercial printing and which will consist of (a) the acquisition of a 4.0 acre tract of land located on Portal Street at the southwestern corner of Holabird and Dundalk Avenues in Holabird Industrial Park, (b) the construction of a building of approximately 79,000 square feet on such land, (c) the purchase and installation of certain machinery and equipment necessary for the foregoing, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; specifying and describing the facility to be financed; describing generally the public purposes to be served and the financing transaction to be accomplished; specifying the maximum aggregate principal amount of bonds that may be issued; authorizing the Board of Finance of the City by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such bonds to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; authorizing the Mayor of the City, by executive order or otherwise, to do any or all of the foregoing; making certain legislative findings; and specifying and describing various matters in connection therewith, as required or permitted by such Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982

Replacement Volume and 1984 Cumulative Supplement), as amended (the "Act"), provides that in order to accomplish the legislative policy of the Act, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time or from time to time, in one or more series for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

Mayor and City Council of Baltimore, a body corporate and politic and a political subdivision of the State of Maryland (the "State"), and a public body (as defined in the Act), (the "Public Body"), has received a letter of intent dated August 9, 1985 (the "Letter of Intent") from Lucas Realty Limited Partnership (the "Borrower"), and The John D. Lucas Printing Company, a Maryland corporation (the "Facility User") and an Application dated August 9, 1985 (the "Application"), pursuant to which the Borrower has requested the Public Body to participate in the financing of the costs of the acquisition of a facility located or to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the Public Body of its bonds in an aggregate principal amount not to exceed Two Million Four Hundred Thousand Dollars (\$2,400,000), pursuant to and in accordance with the Act.

The acquisition of the Facility will consist of and include (a) the acquisition of a 4.0 acre tract of land located on Portal Street at the southwestern corner of Holabird and Dundalk Avenues in Holabird Industrial Park (the "Land"), (b) the construction of a building of approximately 79,000 square feet on the Land, (c) the purchase and installation of certain machinery and equipment necessary for the foregoing, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities.

The Facility will be leased by the Borrower to the Facility User for use in its business of commercial printing, primarily for such things as children's books, annual reports, alumni magazines, and college catalogues.

The acquisition of the Facility will modernize and expand the capabilities of the Facility User's operation and will result in the increase of a number of new jobs in Baltimore City, as set forth in the Letter of Intent and in the Application.

The Public Body, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its bonds in an aggregate principal amount not to exceed Two Million Four Hundred Thousand Dollars (\$2,400,00) (the "Bonds"). The proceeds of the Bonds shall be applied in accordance with Sections 266D(a) and (b) of the Act and this Resolution.

The Letter of Intent expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to

Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that (i) Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions, and (ii) that the Bonds will be subject to the Public Body's volume cap. The Borrower further acknowledges that Section 103(n) provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the Public Body reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

The word "bonds" shall have the meaning indicated in the Act and includes bond anticipation notes issued in anticipation of the issuance and sale of the bonds, and it is intended that the provisions of this Resolution applying to "bonds" and "Bonds" shall include such bond anticipation notes, and any refunding bonds issued to refund any bonds or bond anticipation notes issued pursuant to this Resolution, and shall include separate series of bonds, whether issued at the same time or at different times, unless the context clearly requires a contrary meaning. Words and terms used in this Resolution (including these Recitals) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore,* That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The Borrower is a "facility applicant" and a "facility user" within the meaning of the Act; the Facility User is a "facility user" within the meaning of the Act; the Facility is a "facility" with the meaning of the Act; the Letter of Intent is a "letter of intent" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

(2) The issuance and sale of the Bonds by the Public Body, pursuant to the provisions of the Act, in order to make the proceeds thereof available to the Borrower for the purpose of financing the acquisition of the Facility, including the necessary expenses of preparing, printing, selling and issuing the Bonds, the funding of reserves and the payment of interest with respect to financing such acquisition, will facilitate and expedite the acquisition of the Facility.

(3) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) relieving conditions of unemployment in the State by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(4) The Bonds and the interest thereon will be limited obligations of the Public Body, and the principal of, premium, if any, and interest thereon shall be payable solely from the revenues received in connection with the financing of the Facility or from any other moneys made available to the Public Body for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the bonds in anticipation of which such notes were issued. Neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Public Body within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Public Body.

(5) Neither the proceeds of the Bonds nor the payments of the principal of, premium, if any, or interest on the Bonds will be commingled with the Public Body's funds or will be subject to the absolute control of the Public Body, but will be subject only to such limited supervision and checks and the Public Body shall retain only those rights as it deems necessary or desirable to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The Facility does not constitute a capital project of the Public Body within the meaning of any statutory or charter provision. The acquisition of the Facility will achieve the public purposes of the Act.

(6) In compliance with Executive Order 01.01.1985.01, Proclamation on Private Activity Bond Allocations for 1985 and Later, by Harry Hughes, Governor of the State of Maryland and based upon information contained in the Application; (a) the Public Body has considered the feasibility of conventional financing on reasonable terms to finance the Facility; (b) the Public Body has considered the competitive effect of the issuance of the Bonds on other business entities conducting similar businesses in Baltimore City; and (c) the Public Body has considered the necessity for the issuance of the Bonds to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further resolved*, That this Resolution, among other things, evidences the present intent of the Public Body to issue, sell and deliver the Bonds, in accordance with the terms and provisions of this Resolution. The Mayor of the Public Body (the "Mayor") is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the Public Body in order to further evidence the present intent of the Public Body to issue the Bonds in accordance with the terms and provisions of this Resolution. The Public Body intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The Public Body and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Facility prior to satisfaction of the conditions described in Section 9 hereof, the Borrower does so at its own risk.

SEC. 3. *And be it further resolved*, That the Public Body is hereby authorized and empowered to issue, sell and deliver the Bonds, at any time, or from time to time, and in one or more series, in an aggregate principal amount not to exceed Two Million Four Hundred Thousand Dollars (\$2,400,000.00), subject to the provisions of this Resolution. For the purposes of applying the foregoing limitation in the event that any refunding bonds or bonds issued to repay bond anticipation notes are issued, the outstanding principal amount of any bonds or bond anticipation notes, respectively, provision for the payment of which has been made from the proceeds of such refunding bonds or such bonds, respectively, or from other sources, shall not be taken into account in determining the aggregate principal amounts of bonds issued, sold and delivered pursuant to this Resolution.

SEC. 4. *And be it further resolved*, That the Bonds shall mature not later than 30 years from their date of issuance.

SEC. 5. *And be it further resolved*, That the Public Body will lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of a loan agreement (within the meaning of the Act) or a financing agreement (the "Loan Agreement"), to be used by the Borrower for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, which Loan Agreement will provide that the Borrower will make payments which will be sufficient to enable the Public Body to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable.

SEC. 6. *And be it further resolved*, That the Public Body reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the Public Body in order to insure that the Public Body (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Act, Section 103(n) of the Code and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the Public Body determines, in its sole and absolute discretion, will provide the greatest benefit to the Public Body.

In particular, since the Public Body may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the Public Body reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the Public Body reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the Public Body, in its sole and absolute discretion, in order to insure that the Public Body achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it further resolved*, That the Bonds shall be executed in the name of the Public Body and on its behalf by the Mayor, by his manual or facsimile signature, and by the Director of Finance of the Public Body, by his manual or facsimile signature, and the corporate seal of the Public Body or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. The Mayor, the Director of Finance of the Public Body, the Custodian of the City Seal and other officials of the Public Body are hereby authorized and empowered to do all such acts and things and to execute, acknowledge, seal and deliver on behalf of the Public Body such documents and certificates, including (without limitation) the Loan Agreement, as the Board of Finance or the Mayor may determine to be necessary or desirable to carry out and comply with the provisions of this Resolution, subject to the limitations set forth in the Act and any limitations set forth in this Resolution.

SEC. 8. *And be it further resolved*, That, as permitted by the Act, the Bonds either may be sold at a private (negotiated) sale, at par or at such other price as the Board of Finance or the Mayor, with the consent of the Borrower, deems appropriate, or may be sold at a public sale, at par, above par or below par, with the consent of the Borrower, in either or both of which events, the Bonds shall be sold in such manner, at such times, and upon such terms and conditions as the Board of Finance or the Mayor deems to be in the best interests of the Public Body.

SEC. 9. *And be it further resolved*, that prior to the issuance, sale and delivery of the Bonds, or any series thereof, the Board of Finance by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds, or the Mayor, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds;

(2) shall prescribe the principal amount, rate or rates of interest, denomination or denominations, date, maturity or maturities for the Bonds;

(3) may appoint a trustee or trustees, a bond registrar and a paying agent or agents for the Bonds;

(4) shall approve the form and contents of, and execute and deliver (where applicable), the Loan Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the Public Body is a party and which may be necessary or desirable to effectuate the issuance, sale and delivery of the Bonds;

(5) may prepare and distribute, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters or placement agents for the Bonds of any series, both a preliminary and a final official statement, offering memorandum or other similar document in connection with the sale of the Bonds of any series, if determined to be necessary or desirable in connection with the sale of the Bonds;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Board of Finance or the Mayor.

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(8) may determine the method, and shall approve the terms, of the sale of the Bonds, as provided in Section 8 of this Resolution.

(9) shall provide for the direct payment by the Borrower of all costs, fees and expenses incurred by or on behalf of the Public Body in connection with the issuance, sale and delivery of the Bonds, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the Public Body) performing services by or on behalf of the Public Body in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of any appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds, and for the payment of interest on the Bonds during the period of construction of the Facility and during such limited period thereafter, as the Board of Finance or the Mayor deems reasonable; and

(12) may specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and the Board of Finance or the Mayor may do any and all things appropriate for the authorization, sale, security, issuance, delivery or payment of or for the Bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 10. *And be it further resolved*, That the Board of Finance is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 9 hereof, and the Mayor is hereby authorized and empowered to execute and deliver one or more executive orders from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 9 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, the Loan Agreement, any trust agreement or similar agreement and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each such supplemental resolution or supplemental executive order and each such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution, and the documents executed in connection with the Bonds and then in effect.

SEC. 11. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof is inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it further resolved*, That either the Bonds or any bond anticipation notes must be issued and sold within six (6) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such six month period, or (b) the Board of Finance, after a showing of good cause at a public hearing held before the Board of Finance prior to or after the expiration of such six month period, may extend the period during which either the Bonds or any bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six month period expires. The Board of Finance or the Mayor shall have the sole and absolute discretion without action by the City Council of the Public Body to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension of the first six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the Public Body to issue and sell the Bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue Bonds, as contained in this Resolution shall not affect the present intent of the Public Body to issue the Bonds, as described in Section 2 hereof.

SEC. 13. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the Public Body who votes in favor of, or against, the adoption of this Resolution, and the Mayor, by his approval or veto of this Resolution, hereby certifies under penalty of perjury, that the allocation granted to the Borrower by the Public Body of any volume cap of the State has not been made in consideration of any gift, gratuity, bribe or direct or indirect contribution to any political campaign.

SEC. 14. *And be it further resolved*, That this Resolution shall take effect on the date of its approval by the Mayor.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 49

(Council No. 982)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS –
(BALTIMORE PORT TRUCK PLAZA FACILITY)**

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$9,550,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Baltimore Port Truck Plaza Limited Partnership, a Maryland limited partnership, of a certain facility in Baltimore City consisting of the acquisition of the real property located at the O'Donnell Street Bypass and I-95 in Baltimore City, the construction of certain improvements thereon, to be owned by Baltimore Port Truck Plaza Limited Partnership, for use as an Interstate service facility, including, but not limited to, hotel, restaurant, fuel and garage service; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated July 17, 1985 from Baltimore Port Truck Plaza Limited Partnership to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Baltimore Port Truck Plaza Limited Partnership shall agree to submit any plans and specifications to, and to coordinate with the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or

refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;
- (3) specify the maximum principal amount of the bonds that may be issued; and

(4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

(1) its finance board (as defined in the Act), by resolution; or

(2) its chief executive officer (as defined in the Act), by executive order or otherwise; or

(3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated July 17, 1985 (the "Letter of Intent") from Baltimore Port Truck Plaza Limited Partnership, a Maryland limited partnership (the "Facility Applicant") pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$9,550,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of a tract of land containing approximately 21.7 acres in the aggregate, portions of which currently are owned by Exxon Company U.S.A. and Mayor and City Council of Baltimore, located at the O'Donnell Street Bypass and I-95 in Baltimore City, (b) the construction of an approximately 225,000 square foot Interstate service facility, including, but not limited to, hotel, restaurant, fuel and garage service thereon, and (c) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Facility will be owned by the Facility Applicant, for use by the Facility Applicant as a truck travel plaza in its business of operation of this particular truck travel plaza.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$9,550,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the Public Body and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The City is a "public body" and a "county" within the meaning of the Act.

(2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.

(3) The Facility is a "facility" within the meaning of the Act.

(4) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.

(5) The Letter of Intent is a "letter of intent" within the meaning of the Act.

(6) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.

(7) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.

(8) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City. Specifically, as indicated in the Facility Applicant's Application for Industrial Development Revenue Bond Financing, dated July 16, 1985, the acquisition of the Facility will create approximately 201 new permanent jobs.

(10) Based on information provided to the City by the Facility Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the

City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$9,550,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$9,550,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City hereby is authorized to accept the Letter of Intent on behalf of the City to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Bor-

power may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by

facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City hereby are authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds," as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series will be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bonds of any

series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and delivery a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is

approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its approval by the Mayor of the City.

Approved September 25, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 50

(Council No. 940)

A RESOLUTION concerning

THE ISSUANCE AND SALE BY THE MARYLAND INDUSTRIAL
DEVELOPMENT FINANCING AUTHORITY OF ITS ECONOMIC
DEVELOPMENT REVENUE BONDS FOR THE FACILITIES
(PROPERTIES LOCATED AT 3120 FREDERICK AVENUE IN
BALTIMORE CITY, MARYLAND AND 5151 ALLENDALE LANE
IN TANEYTOWN IN CARROLL COUNTY, MARYLAND)

FOR the purpose of approving the issuance and sale by the Maryland Industrial Development Financing Authority, pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act and the Maryland Industrial Development Financing Authority Act, of one or more series of its economic development revenue bonds in an aggregate principal amount not to exceed \$2,350,000 in order (1) to refund the outstanding principal balance of the Deed of Trust Note dated November 24, 1976 executed in connection with the \$490,000 Partially Insured MIDFA Loan from The Equitable Trust Company to Mayor and City Council of Baltimore for the Benefit of EVAPCO, INC. and the outstanding principal balance of the Deed of Trust Note dated February 27, 1980 executed in connection with the \$470,000 Partially Insured MIDFA Loan from The Equitable Trust Company to Mayor and City Council of Baltimore for the benefit of EVAPCO, INC. and to provide for the payment of all accrued and unpaid interest on each of such Deed of Trust Notes, the necessary expenses of preparing, printing, selling and issuing any such refunding bonds and the funding of any reserve funds for such refunding bonds, and (2) to provide financing for the acquisition (as defined in such Acts) by EVAPCO, INC., a Maryland corporation, of two facilities (as defined in such Acts), one of which is located or to be located within the geographical boundaries and jurisdiction of Baltimore City, Maryland and will consist of and include (a) the renovation of an existing building situated on land located at 3120 Frederick Avenue, Baltimore, Maryland to provide additional offices therein containing approximately 2,400 square feet and (b) the acquisition and installation of certain necessary or useful equipment and machinery therein, and the other of which is located or to be located within the geographical boundaries

and jurisdiction of Carroll County, Maryland and will consist of and include (i) the construction on previously acquired land containing approximately 26.8 acres and located at 5151 Allendale Lane in Taneytown, Maryland, of an addition, containing approximately 30,000 square feet, to the existing building located on such land, (ii) the acquisition and installation therein of certain necessary or useful equipment and machinery, including a 10 ton overhead crane and hoist, (iii) the construction of additional site improvements on such land to provide for an outside storage area, and (iv) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, and which facilities are to be used by EVAPCO, INC. to increase manufacturing capacity in its business of manufacturing water cooling equipment, cooling towers, evaporating condensers and closed circuit coolers; specifying and describing such facilities; generally describing the public purpose to be served by such facilities; and specifying and describing various matters in connection therewith and relating generally thereto.

RECITALS

The Maryland Industrial Development Financing Authority Act, as amended (the "MIDFA Act"), provides that in order to accomplish the purposes of the MIDFA Act, the Maryland Industrial Development Financing Authority (the "Authority"), on behalf of the State of Maryland (the "State"), may issue and sell bonds as provided in and in accordance with the Maryland Economic Development Revenue Bond Act (the "Revenue Bond Act"). The MIDFA Act and the Revenue Bond Act are herein sometimes collectively referred to as the "Acts". The MIDFA Act further provides that the Authority may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the methods described in the Revenue Bond Act.

Section 13-138 of the MIDFA Act provides that prior to the issuance and sale of bonds by the Authority, the legislative body of the county or municipality in which the facility to be financed with the proceeds of the bonds is to be located shall adopt a resolution which (a) is administrative in nature, is not subject to the procedures required for legislative acts and is not subject to referendum, (b) specifies and describes the facility, and (c) generally describes the public purpose to be served by the facility.

On November 24, 1976, Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland and a "county" with the meaning of the Revenue Bond Act (the "City") borrowed, as a limited obligation and not upon its full faith and credit, the sum of \$490,000 (the "First Loan"), pursuant to and in accordance with the Maryland Industrial Development Financing Authority Act, Sections 266J to 266CC, inclusive, of Article 41 of the Annotated Code of Maryland, as amended to November 24, 1976 (the "Prior MIDFA Act"), for the purpose of financing, with the proceeds thereof, the acquisition of a certain industrial project (within the meaning of the Prior MIDFA Act) consisting of the acquisition of approximately 3.683 acres of land located at 3120 Frederick Avenue, Baltimore, Maryland, and the existing improvements located thereon, and the purchase and installation of certain machinery and equipment in such improvements (the "1976 Industrial Project").

which 1976 Industrial Project was leased by the City to EVAPCO, INC., a Maryland corporation (the "Applicant"). The First Loan is evidenced by the City's Deed of Trust Note dated November 24, 1976 in the original principal amount of the First Loan (the "First Deed of Trust Note").

The First Deed of Trust Note was issued under and pursuant to:

(1) Ordinance No. 176 of the City approved by the Mayor of the City on November 15, 1976.

(2) a Lease Agreement dated November 24, 1976 by and between the City and the Applicant,

(3) an Assignment of Lessor's Interest in Leases dated November 24, 1976 by and between the City and The Equitable Trust Company, now renamed Equitable Bank, National Association, a national banking association (the "Bank"),

(4) a Deed of Trust dated November 24, 1976 by and between the City and Robert W. Irving and Frederick E. Chippendale as trustees (the "Trustees") (the "1976 Deed of Trust"); and

(5) an Insurance Agreement dated November 24, 1976 by and among the City, the Bank and the Authority.

On February 27, 1980, the City borrowed, as a limited obligation and not upon its full faith and credit, the sum of \$470,000 (the "Second Loan"), pursuant to and in accordance with the Prior MIDFA Act, as amended to February 27, 1980, for the purpose of financing, with the proceeds thereof, the acquisition of a second industrial project (within the meaning of the Prior MIDFA Act), consisting of the construction of additional improvements on certain parcels of land located at 3120 Frederick Avenue, 321 Ellamount Street and 362 and 364 Mount Olivet Lane, in Baltimore City, and the purchase and installation of certain additional equipment and machinery to be installed in or about such additional improvements (the "1980 Industrial Project"), which 1980 Industrial Project was leased by the City to the Applicant. The Second Loan is evidenced by the City's Deed of Trust Note dated February 27, 1980 in the original principal amount of the Second Loan (the "Second Deed of Trust Note"; the First Deed of Trust Note and the Second Deed of Trust Note being herein sometimes collectively referred to as the "Deed of Trust Notes").

The Second Deed of Trust Note was issued under and pursuant to:

(a) Ordinance No. 1249 of the City approved by the Mayor of the City on December 3, 1979,

(b) a Lease Amendment dated February 27, 1980 by and between the City and the Applicant,

(c) an Assignment and Security Agreement dated February 27, 1980 by and among the City, the Bank and the Bank, as Trustee,

(d) a Deed of Trust dated February 27, 1980 by and between the City and the Trustees (the "1980 Deed of Trust"),

(e) a Consolidation Agreement dated February 27, 1980 by and among the City, the Bank and the Trustees, and

(f) an Amendment to Insurance Agreement dated February 27, 1980 by and among the City, the Bank and the Authority.

The Authority has adopted a Resolution providing for the issuance and sale by the Authority, pursuant to and in accordance with the Acts, of one or more series of its economic development revenue bonds in an aggregate principal amount not to exceed \$2,350,000 in order (1) to refund the outstanding principal balance of each of the Deed of Trust Notes and to provide for the payment of all accrued and unpaid interest on each of the Deed of Trust Notes, the necessary expenses of preparing, printing, selling and issuing any such refunding bonds and the funding of any reserve funds for such refunding bonds (collectively, the "Refunding"), and (2) to provide financing for the acquisition (as defined in the Acts) by the Applicant of two facilities (as defined in the Acts), one of which is located or to be located within the geographical boundaries and jurisdiction of the City and is more particularly described in Section 2 of this Resolution (The "Baltimore City Facility") and the other of which is located or to be located within the geographical boundaries and jurisdiction of Carroll County, Maryland (the "Carroll County Facility") and is more particularly described as follows:

(a) the construction on previously acquired land containing approximately 26.8 acres and located at 5151 Allendale Lane in Taneytown, Maryland, of an addition containing approximately 30,000 square feet, to the existing building located on such land,

(b) the acquisition and installation therein of certain necessary and useful equipment and machinery, including a 10 ton overhead crane and hoist,

(c) the construction of additional site improvements on such land to provide for an outside storage area, and

(d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including road and rights of access, utilities and other necessary site preparation facilities.

(The Baltimore City Facility and the Carroll County Facility are sometimes collectively referred to herein as the "Facilities").

The Applicant has requested the City to approve the issuance and sale by the Authority of its economic development revenue bonds in an aggregate principal amount not to exceed \$2,350,000, a portion of which amount, not to exceed \$1,477,000, is to be used for the sole and exclusive purpose of financing (1) the Refunding and (2) the costs of the acquisition of the Baltimore City Facility.

The City has determined, based upon the findings and determinations herein-after set forth, that it is in the best interests of the citizens of the City that the City approve (1) the Refunding and (2) the financing of the costs of the acquisition of the Baltimore City Facility, by the Authority's issuance and sale pursuant to the Acts of one or more series of its economic development revenue bonds in an aggregate principal amount not to exceed \$2,350,000, a portion of which amount, not to exceed \$1,477,000, shall be allocated to the Baltimore City Facility (including, without limitation, the Refunding).

NOW, THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE ACTS:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That all words and terms used in this Resolution (including the Recitals set forth above) that are defined or used in the Acts shall have the meanings indicated in the Acts, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That in accordance with Section 13-138(e)(2) of the MIDFA Act, the Baltimore City Facility consists of and includes:

(1) the renovation of an existing building situated on land located at 3120 Frederick Avenue, in Baltimore, Maryland, to provide additional offices therein containing approximately 2,400 square feet, and

(2) the acquisition and installation of certain necessary or useful equipment and machinery therein.

The Applicant will use the Baltimore City Facility to expand its manufacturing capacity in its business of manufacturing water cooling equipment, cooling towers, evaporating condensers and closed circuit coolers.

SEC. 3. *And be it further resolved*, That it is hereby found and determined that the Baltimore City Facility and the financial assistance to be provided by the Authority as provided in this Resolution, will fulfill, accomplish and promote the declared public purposes of the Acts, which are (a) to relieve conditions of unemployment in the State; (b) to encourage the increase of industry and commerce and a balanced economy in the State; (c) to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State; (d) to promote economic development; and (e) to generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State. Specifically, it is hereby found and determined that the acquisition of the Baltimore City Facility will increase employment in Baltimore City by creating approximately 15 new jobs over three years and encourage growth and efficiency in the Applicant's operations. Accordingly, it is in the interest of the public welfare and purpose of the citizens of the State and of the City that the City approve the financing by the Authority of the cost of the acquisition of the Baltimore City Facility.

SEC. 4. *And be it further resolved*, That the City hereby approves any one or more of the following:

(a) the issuance and sale by the Authority at any time and from time to time, of one or more series of its economic development revenue bonds in an aggregate principal amount not to exceed \$2,350,000 (the "Bonds"), the proceeds of any series of which may be used by the Authority to make a loan to the Applicant, a portion of the proceeds of which loan, not to exceed \$1,477,000, shall be used by the Applicant (1) for the Refunding, and (2) to pay the costs of the acquisition of the Baltimore City Facility; and

(b) the acquisition of the Baltimore City Facility by the Applicant with funds other than the proceeds of the Bonds.

SEC. 5. *And be it further resolved*, That (a) the Bonds and the interest thereon will be limited obligations of the Authority, payable solely from revenues or moneys to be received by the Authority in connection with the financing of the acquisition of the Facilities or from any other funds provided therefor, (b) the Bonds will not constitute an indebtedness to which the faith and credit of the State, the Department of Economic and Community Development of the State (the "Department"), the Authority, the City or any other public body is pledged, and (c) neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the State, the Department, the Authority, the City, or any other public body and neither shall ever constitute or give rise to any pecuniary liability of the State, the Department, the Authority, the City or any other public body.

SEC. 6. *And be it further resolved*, That the Bonds shall be authorized, issued, sold and delivered without direct or indirect cost to the City, and to that end, the Applicant shall pay all necessary expenses of preparing, printing, selling and issuing the Bonds and all other costs contemplated and permitted by the Acts, including (without limitation) any and all costs, fees and expenses (including, without limitation, any attorneys' fees) incurred by or on behalf of the City in connection with this Resolution or the publication of notices of any public hearings to be held in connection herewith, whether or not the proposed financing is consummated.

SEC. 7. *And be it further resolved*, That the passage of this Resolution shall not in any way indicate the approval of, or constitute any commitment for approval by, the City or any of its officers or employees of, any license, permit, application or any other request to the City with respect to the acquisition and operation of the Baltimore City Facility.

SEC. 8. *And be it further resolved*, That the Chief, Bureau of Treasury Management of the City is hereby authorized to execute any and all termination statements for financing statements as may be necessary or appropriate, and that the Mayor of the City or such appropriate officials of the City as may be designated by the Mayor of the City are hereby authorized to execute any and all necessary releases of the 1976 Deed of Trust and the 1980 Deed of Trust, a deed conveying the fee simple legal title to the real property constituting a portion of the 1976 Industrial Project and securing the 1980 Industrial Project to the Applicant as provided under the terms and provisions of the Lease Agreement and the Lease Amendment, and any and all other documents as may be required in connection with the refunding of the Deed of Trust Notes and the release of the collateral securing repayment of the Deed of Trust Notes to implement the legislative intent of this Resolution.

SEC. 9. *And be it further resolved*, That, except as provided in Section 8 hereof, no further action by the City is necessary to effect the financing of the acquisition of the Baltimore City Facility by the Authority or the completion of the transactions contemplated in this Resolution, including, without limitation, the issuance and sale of the Bonds.

SEC. 10. *And be it further resolved*, That in accordance with Section 13-138(e) of the MIDFA Act, this Resolution is administrative in nature, not subject to the procedures required for legislative acts and not subject to referendum.

SEC. 11. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 51

(Council No. 941)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS –
THRASHER'S CUSTOM BUILT FURNITURE LIMITED
PARTNERSHIP FACILITY**

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue, sell and deliver, at any time or from time to time, and in one or more series, as limited obligations and not upon its full faith and credit or pledge of its taxing power, its economic development revenue bonds, to be designated "Baltimore City, Maryland Economic Development Revenue Bonds (Thrasher's Custom Built Furniture Limited Partnership Facility)", in the aggregate principal amount not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000), pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with the acquisition of a facility, which facility consists of purchasing an approximately two and one-half (2.5) acre, more or less, site on Van Deman Street in the City-owned Holabird Industrial Park and building and equipping thereon a masonry/steel one-story, thirty-five thousand (35,000) square foot factory building suitable for the business of manufacturing office, institutional and computer furniture; authorizing the Mayor to accept, on behalf of the Mayor and City Council, the letter of intent of Thrasher's Custom Built Furniture Limited Partnership, a Maryland limited partnership, dated July 22, 1985; making certain legislative findings; authorizing and empowering the Board of Finance or the Mayor, prior to the issuance, sale and delivery of such bonds, to adopt a resolution or executive order pursuant to which the Board of Finance or the Mayor shall prescribe, among other things, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; authorizing the Mayor of the City, by executive order or otherwise, to do any and all of the foregoing, and generally providing for

and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds, as required or permitted by the aforesaid Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), empowers any public body (as defined in the Act) to issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, in one or more series for the purpose of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

Mayor and City Council of Baltimore, a body corporate and politic and a political subdivision of the State of Maryland (The "Issuer"), and a public body (as defined in the Act), has received a letter of intent dated July 22, 1985 (the "Letter of Intent") from Thrasher's Custom Built Furniture Limited Partnership, a Maryland limited partnership (the "Borrower"), pursuant to which the Borrower has requested the Issuer to participate in the financing of the costs of the acquisition of, and the charges, fees and expenses incurred in connection with, a certain facility (the "Facility") by issuing and selling economic development revenue bonds of the Issuer in the aggregate principal amount not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000) (the "Bonds"), and by loaning the proceeds of the Bonds to the Borrower, upon the terms and conditions of a loan agreement to be entered into between the Issuer and the Borrower (the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan").

The acquisition of the Facility to be financed with the proceeds of the Bonds will consist of: (a) the acquisition of an approximately two and one-half (2.5) acre tract of land located at Van Deman Street, east of Ralls Avenue, in Holabird Industrial Park, Baltimore City, Maryland (the "Land"); (b) the construction of a building of approximately thirty-five thousand (35,000) square feet on the Land, to be known as Thrasher's CBF Factory, (the "Building"); (c) the acquisition and installation in the Building of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation thereof; and (d) the acquisition of such other interests in real property or personal property as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. The Borrower will lease the Facility to Thrasher's Custom Built Furniture, Inc., a Maryland corporation (the "Facility User"), under a lease agreement.

The Loan Agreement will require the Borrower (a) to use the proceeds of the Bonds solely to finance the Facility, and (b) to make Loan payments which will be

sufficient to enable the Issuer to pay the principal of, and the interest and premium, if any, on the Bonds when and as the same shall become due and payable.

As security for the Bonds, the Issuer will enter into an Assignment and Security Agreement (the "Assignment") with either (a) a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the Issuer (the "Board") or the Mayor of the Issuer (the "Mayor") for the benefit of the holders of the Bonds, or (b) the original purchaser of the Bonds (the "Original Purchaser") and a trustee for the disbursement of the proceeds of the Bonds (which may be the Original Purchaser) (the "Project Fund Trustee"). Pursuant to the Assignment the Issuer shall pledge, assign, transfer and set over to the Trustee or the Original Purchaser and the Project Fund Trustee, and their respective successors and assigns, and shall grant a security interest in (among other things) (a) all right, title and interest of the Issuer in and to and remedies under the Loan Agreement, including (without limitation) any and all security referred to in the Loan Agreement, excepting only the right of the Issuer to indemnification by the Borrower and to payments to the Issuer for expenses incurred by the Issuer itself, (b) the receipts and revenues of the Issuer from the Loan, (c) certain moneys that are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time which by delivery or by writing of any kind is conveyed, pledged, assigned or transferred, as and for additional security for the Bonds, by the Issuer or by anyone on its behalf or with its written consent, to the Trustee or the Original Purchaser and the Project Fund Trustee, and their respective successors or assigns, and (e) all right, title and interest of the Issuer in and to and remedies under such other documents, including (without limitation) mortgages, deeds of trust, guaranties and security instruments, as the Board or the Mayor shall deem necessary to effectuate the issuance, sale and delivery of the Bonds and which the Board or the Mayor shall approve by a resolution or resolutions or by an executive order or orders. If the Board or the Mayor finds and determines that the appointment of a Trustee for the benefit of the holders of the Bonds is not required in order to issue, sell, and deliver the Bonds and that the Facility will be completed on or before the date of delivery of the Bonds, the Board may provide that the Project Fund Trustee is not necessary and that the Issuer will enter into the Assignment with only the Original Purchaser.

The acquisition of the Facility will expand and add new services to be provided by a business in Baltimore City, Maryland and will result in the increase of a number of new jobs in Baltimore City, Maryland, as set forth in the Letter of Intent and in the Application.

The Issuer, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its bonds in an aggregate principal amount not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000.00). The proceeds of the Bonds shall be applied in accordance with Sections 266D(a) and (b) of the Act and this Resolution.

The Letter of Intent expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to

Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Borrower further acknowledges (i) that Section 103(n) provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the Issuer's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the Issuer reserves certain rights concerning the issuance of the Bonds as provided in Section 6 hereof.

The word "bonds" shall have the meaning indicated in the Act and includes bond anticipation notes issued in anticipation of the issuance and sale of the bonds, and it is intended that the provisions of this Resolution applying to "bonds" and "Bonds" shall include such bond anticipation notes, and any refunding bonds issued to refund any any bonds or bond anticipation notes issued pursuant to this Resolution, and shall include separate series of bonds, whether issued at the same time or at different times, unless the context clearly requires a contrary meaning. Words and terms used in this Resolution (including these Recitals) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by the Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The Borrower is a "facility applicant" within the meaning of the Act; the Facility User will be a "facility user" within the meaning of the Act; the Facility is a "facility" within the meaning of the Act; the Letter of Intent is a "letter of intent" within the meaning of the Act; and this Resolution is a "resolution" within the meaning of the Act.

(2) The issuance and sale of the Bonds by the Issuer, pursuant to the Act, in order to lend the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Facility, including the necessary expenses of preparing, promoting, selling and issuing the Bonds, the funding of reserves and the payment of interest with respect to financing such acquisition, will facilitate and expedite the acquisition of the Facility by the Borrower.

(3) The acquisition of the Facility by the Borrower and the financing thereof as provided in this Resolution will serve to promote the general purposes contemplated by the Act by (a) relieving conditions of unemployment in the Issuer and in the State of Maryland by the creation or retention of a significant number of jobs; encouraging the increase of industry and commerce in Baltimore City, Maryland and in the State of Maryland; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in Baltimore City, Maryland and in the State of Maryland; (d) promoting economic development in Baltimore City, Maryland and in the State of Maryland; and (e) generally promoting the health, welfare and safety of the residents of Baltimore City, Maryland and the State of Maryland.

(4) Neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the Issuer, and neither shall ever constitute a debt of the Issuer within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the Issuer, and neither shall ever constitute or give rise to any pecuniary liability of the Issuer. The Bonds and the interest thereon shall be limited obligations of the Issuer, repayable by the Issuer solely from the revenue derived from Loan repayments (both principal and interest) made to the Issuer by the Borrower on account of the Loan and from any other moneys made available to the Issuer for such purpose. The proceeds of the Bonds will be paid directly to the Trustee or the Project Fund Trustee to be held and disbursed by the Trustee or the Project Fund Trustee as provided in the Assignment to be approved by the Board or the Mayor as hereafter provided, provided, however, that if the Board or the Mayor finds and determines that the Facility will be completed on or before the date of delivery of the Bonds, the Board or the Mayor may provide that the proceeds of the Bonds will be paid directly to the Borrower, or for the account of the Borrower, to be used by the Borrower to pay the costs of, or to reimburse the Borrower for the payment of the costs of, the acquisition of the Facility, as provided in the Assignment. Payments of the principal of and the interest and premium, if any, on the Loan will be paid by the Borrower directly to the Trustee or to the Original Purchaser, its successors and assigns, as provided in the Assignment. No such moneys will be commingled with the funds of the Issuer or will be subject to the absolute control of the Issuer, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the Issuer to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility by the Borrower.

(5) The Issuer will acquire no interest in the Facility other than (a) any general interest in the Borrower's property shared by all holders of the Borrower's obligations which rank and are secured equally with the Borrower's obligations pursuant to the Loan Agreement, (b) any lien and security interest created by the Loan Agreement, and (c) any interest created by any other mortgage or deed of trust or other security instrument executed and delivered by the Borrower or any third party as security for the Loan or the Bonds as the Board or the Mayor may provide for and approve. The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligations of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the Bonds as the Board or the Mayor may provide for and approve, and (c) moneys realized from any guaranty or insurance of, or other credit support for, the Bonds or of the Loan as the Board or the Mayor may provide for and approve.

(6) The best interests of the Issuer will be served by selling the Bonds at a private (negotiated) sale or at a public sale as hereafter provided, as authorized by the Act, upon terms and conditions approved by the Board or the Mayor.

(7) The issuance of the Bonds shall be accomplished in accordance with the laws, regulations, policies, and procedures applicable to the Issuer, and the approval for the issuance of the Bonds includes a consideration of the purposes of the Act and of the guidelines and requirements set forth in Sections 7 and 8 of Executive Order 01.01.1985.01, Proclamation on Private Activity Bond Allocations for 1985 and Later, issued by the Governor of Maryland on January 14, 1985. The specific guidelines and requirements considered include (a) the availability or feasibility of conventional financing on reasonable terms to finance the acquisition of the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility User within Baltimore City, (c) the necessity for the issuance of the Bonds for competitive economic development purposes to insure job opportunities and to provide for a sufficient tax base, and (d) the feasibility of requiring the Borrower to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

SEC. 2. *And be it further resolved*, That this Resolution evidences the present intent of the Issuer to issue, sell and deliver the Bonds, in accordance with the terms and provisions of this Resolution. The Mayor is hereby authorized to accept the Letter of Intent on behalf of the Issuer in order to further evidence the present intent of the Issuer to issue the Bonds in accordance with the terms and provisions of this Resolution. The Issuer intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations adopted pursuant to Section 103 of the Code. The Issuer and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Borrower proceeds with the acquisition of the Facility prior thereto, the Borrower does so at its own risk.

SEC. 3. *And be it further resolved*, That the Issuer is hereby authorized and empowered to issue, sell and deliver, at any time, or from time to time, and in one or more series, and as limited obligations of the Issuer and not upon its full faith and credit, its economic development revenue bonds in the aggregate principal amount not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000.00) subject to the provisions of this Resolution, to lend the proceeds of the Bonds to the Borrower pursuant to the terms and provisions of the Loan Agreement, to be used by the Borrower for the sole and exclusive purpose of financing the costs, charges, fees, and expenses in connection with the acquisition of the Facility and that the Bonds and the interest thereon shall be limited obligations of the Issuer, repayable by the Issuer solely from the revenue derived from Loan repayments (both principal and interest) made to the Issuer by the Borrower pursuant to the Loan Agreement and from any other moneys made available to the Issuer for such purpose.

SEC. 4. *And be it further resolved*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bonds (Thrasher's Custom Built Furniture Limited Partnership Facility)", pro-

vided, that the descriptive title may contain such other descriptive information as the Board or the Mayor may prescribe (e.g., "1985 Series"), that the Bonds, which may be engraved, printed or typewritten, including any trustee's certificate of authentication to be endorsed thereon, shall be in such form, not inconsistent with the Act and the provisions of this Resolution as the Board or the Mayor may approve as hereafter provided.

SEC. 5. *And be it further resolved*, That the Bonds shall be executed in the name of the Issuer and on its behalf by the Mayor of Baltimore City, by his manual or facsimile signature, and by the Director of Finance of Baltimore City, by his manual or facsimile signature, and the corporate seal of the Issuer or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the Issuer's Seal, by his manual signature. The Loan Agreement, the Assignment and, where applicable, all other documents as the Board or the Mayor shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the Issuer and on its behalf by the Mayor of Baltimore City by his manual or facsimile signature, and the corporate seal of the Issuer or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the Issuer's Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of Baltimore City, the Director of Finance of Baltimore City, the Custodian of the Issuer's Seal and other officials of the Issuer are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board or the Mayor may determine to be necessary to carry out and comply with the provisions hereof.

SEC. 6. *And be it further resolved*, That the Issuer reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the Issuer in order to insure that the Issuer (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Act, Section 103(n) of the Code and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the Issuer determines, in its sole and absolute discretion, will provide the greatest benefit to the Issuer.

In particular, since the Issuer may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the Issuer reserves the right to choose to issue its bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the Issuer reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2)

issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower: (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the Issuer, in its sole and absolute discretion, in order to insure that the Issuer achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it further resolved*, That the Bonds shall be executed, issued and delivered at any time, or from time to time, in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of One Million Four Hundred Thousand Dollars (\$1,400,000); that the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times, and at such place or places as the Board or the Mayor shall prescribe as hereafter provided; that the Bonds may be subject to redemption prior to their stated maturities upon such terms and conditions as the Board or the Mayor shall prescribe as hereafter provided; and that the Bonds shall mature not later than thirty (30) years from their date of issuance.

SEC. 8. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, or any series thereof, the Board, by a resolution or resolutions, or the Mayor, by an executive order or otherwise, shall:

(a) prescribe the form, tenor, terms and conditions of, and the security for, the Bonds;

(b) prescribe the actual principal amounts, rate or rates of interest (or the method of determining the rate or rates), denomination or denominations, date, actual maturity or maturities, and the place or places of payment of the Bonds, and the terms and conditions and details under which the Bonds may be called for redemption prior to their stated maturities;

(c) if required in order to issue, sell and deliver the Bonds, appoint a bank having trust powers, or a trust company, as Trustee for the benefit of the holders of the Bonds and, if necessary, appoint a paying agent or agents for the Bonds, which may be the Trustee;

(d) approve the form and contents, and authorize the execution and delivery, where applicable, of (i) the Loan Agreement, (ii) the Assignment, (iii) any insurance agreements or other credit support instrument provided by any person to pay or insure the payment of the principal of, and the interest and premium, if any, on the Bonds or the Loan, or both, including, without limitation, agreements by the Maryland Industrial Development Financing Authority to provide financial assistance under the provisions of the Maryland Industrial Development Financing Authority Act, Title 13, Subtitle 1, of the Financial Institutions Article of the Annotated Code of Maryland, and (iv) such other documents, including, without limitation, bond purchase agreements, mortgages, deeds of trust, guaranties and security instruments as the Board or the Mayor shall deem necessary to approve in order to effectuate the issuance, sale and delivery of the Bonds;

(e) determine the time of execution, issuance, sale and delivery of the Bonds and prescribe any and all other details of the Bonds;

(f) prepare and distribute, if necessary or advisable, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters or placement agents for the Bonds of any series, both a preliminary and a final official statement, offering memorandum or other similar document in connection with the sale of the Bonds of any series, if determined to be necessary or desirable in connection with the sale of the Bonds;

(g) execute and deliver, if necessary or advisable, a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Board or the Mayor;

(h) provide for the direct payment by the Borrower of all costs, fees and expenses imposed or incurred by or on behalf of the Issuer in connection with the authorization, issuance, sale and delivery of the Bonds, including, without limitation, the costs of printing the Bonds and necessary documents associated with the issuance of the Bonds and the fees of and compensation to any person (other than full time employees of the Issuer) performing services by or on behalf of the Issuer in connection with the authorization, issuance, sale and delivery of the Bonds;

(i) provide for the issuance and sale (subject to the passage of an appropriate resolution authorizing the same as may be required at the time) of one or more series of additional bonds and one or more series of refunding bonds;

(j) provide for the funding of reserves for the Bonds, and for the payment of interest on the Bonds during the period of construction of the Facility and during such limited period thereafter, as the Board or the Mayor deems reasonable.

(k) specify, prescribe, determine, provide for or approve such other matters, details, forms, documents or procedures and provide that the Board or the Mayor may do any and all things appropriate for the authorization, sale, security, issuance, delivery or payment of or for the Bonds and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution; and

(l) do any and all things, and authorize the officials of the Issuer to do any and all things, necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 9. *And be it further resolved*, That the Board is hereby authorized and empowered to adopt one or more resolutions from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the resolution or resolutions referred to in the provisions of Section 8 hereof, and the Mayor is hereby authorized and empowered to execute and deliver one or more executive orders from time to time, either before or after the issuance, sale and delivery of the Bonds, to supplement the executive order referred to in the provisions of Section 8 hereof, and thereby approve amendments or supplements to or substitutes for the forms and provisions of the Bonds, the Loan Agreement, any trust agreements or similar agreement and all other documents approved by such resolution or resolutions or executive order or executive orders, provided that each such supplemental resolution or supplemental executive order and each

such amendment, supplement or substitute shall be in accordance with the provisions of the Act, this Resolution, and the documents executed in connection with the Bonds and then in effect.

SEC. 10. *And be it further resolved*, That as permitted by the Act, the Bonds may be sold at private (negotiated) sale, at par or at such other price as the Board or the Mayor, with the consent of the Borrower, deems appropriate, unless the Board or the Mayor deems it to be in the best interests of the Issuer, with the consent of the Borrower, to sell the Bonds at a public sale, at par, above par or below par, in either or both of which events, the Bonds shall be sold in such manner, at such terms and upon such terms and conditions as the Board or the Mayor deems to be in the best interests of the Issuer.

SEC. 11. *And be it further resolved*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the Issuer, and neither shall ever constitute a debt of the Issuer within the meaning of Section 7 of Article XI of the Constitution of Maryland or other constitutional, statutory or charter provisions limiting or restricting the sale or issuance of bonds, notes or other obligations of the Issuer, and neither shall ever constitute or give rise to any pecuniary liability of the Issuer. The Bonds, and the interest thereon, shall be limited obligations of the Issuer, the principal of and interest on which Bonds shall be payable by the Issuer solely from the revenue derived from Loan repayments (both principal and interest) made to the Issuer by the Borrower on account of the Loan and, to the extent provided by the Board or the Mayor, from the proceeds of the Bonds, and from any other moneys made available to the Issuer for such purpose.

SEC. 12. *And be it further resolved*, That either the Bonds or any bond anticipation notes must be issued and sold within six (6) months from the date on which this Resolution is approved by the Mayor, provided, however, that (a) the Mayor, by executive order or otherwise, after a showing of good cause, prior to or after the expiration of such six month period, or (b) the Board, after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such six month period, may extend the period during which either the Bonds or any bond anticipation notes may be issued and sold for one additional term not exceeding six (6) months from the date on which the first six month period expires. The Board or the Mayor shall have the sole and absolute discretion without action by the City Council to determine the sufficiency or lack of sufficiency of any reason, if any is given, for the requested extension of the first six month period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within twelve (12) months from the date on which this Resolution is approved by the Mayor, the authority provided in this Resolution for the Issuer to issue and sell the Bonds and any bond anticipation notes shall expire; provided, however, that the expiration of the authority to issue Bonds, as contained in this Resolution shall not affect the present intent of the Issuer to issue the Bonds, as described in Section 2 hereof.

SEC. 13. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council who votes in favor of, or against,

the adoption of this Resolution, and the Mayor, by his approval or veto of this Resolution, hereby certifies under penalty of perjury, that the allocation granted to the Borrower by the Issuer of any volume cap of the State of Maryland has not been made in consideration of any gift, gratuity, bribe or direct or indirect contribution to any political campaign.

SEC. 14. *And be it further resolved*, That the Borrower shall agree in the Loan Agreement approved by the Board or the Mayor that:

(a) The Borrower shall submit any plans and specifications for the Facility to the Department of Housing and Community Development for approval;

(b) The Borrower and his developers shall work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality and design of the Facility; and

(c) The Borrower shall make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

SEC. 15. *And be it further resolved*, That the Facility User, prior to the issuance and sale of the Bonds, shall receive the approval of the Mayor's Office of Manpower Resources of a final plan covering the future hiring needs of the Facility User and the utilization by the Facility User of the training and recruitment services of that Office; provided however, that in the event such approval has not been received, then the Facility User shall submit to the Baltimore Economic Development Corporation a timetable and procedure, approved by that Office, for the development of such a final plan.

SEC. 16. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held to be illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 17. *And be it further resolved*, That this Resolution shall take effect on the date of its approval by the Mayor.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 52

(Council No. 942)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(BRUNING PAINT COMPANY EXPANSION PROJECT).

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, to be designated "Baltimore City, Maryland Economic Development Revenue Bonds (Bruning Paint Company Expansion Project)", in the aggregate principal amount not to exceed \$2,250,000, pursuant to Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with one or more of the following (i) the construction of a two story addition to an existing building to contain approximately 40,000 square feet (the "Building") on an acre parcel of land located at 601 S. Haven Street, Highlandtown, Baltimore, Maryland 21224 to be used for manufacturing, packaging, printing and warehousing of paint and as related offices, (ii) the acquisition and installation in the building of certain machinery and equipment and other improvements as may be necessary or useful in connection with the operation of the Building, (iii) the acquisition of such interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities and (iv) the renovation of an existing building located at 601 S. Haven Street and the razing of an existing 14,000 square foot building (collectively the "Project"), and (if necessary) the funding of reserves and payment of interest on such bonds, making certain legislative findings; authorizing the loan of the proceeds of the Bonds to Bruning Paint Company (the "Borrower"); authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a Resolution pursuant to which the Board of Finance shall (a) specify, prescribe, determine, provide for or approve certain details, forms, documents or procedures in connection with the bonds issued hereunder and the loan of the proceeds of such bonds to the Borrower and any other matters necessary or desirable in connection with the authorization issuance, sale, and payment of such revenue bonds, including, but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds and, in the alternative, that the Mayor of the City shall be authorized to approve, by executive order, all matters delegated for approval to the Board of Finance; authorizing the Mayor of the City to accept the Letter of Intent from the Borrower dated August 1, 1985; providing that the authorization for the issuance of bonds hereunder shall be of limited duration and for one six month extension of such authorization; and generally providing

for and determining various matters and detail in connection with the authorization, issuance, security, sale and payment of such bonds.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement) (the "Act"), constitutes those provisions of Maryland law authorizing the issuance of industrial development revenue bonds by all the counties and municipalities of the State of Maryland (the "State").

The Act empowers the counties and municipalities of the State to issue revenue bonds, bond anticipation notes, notes in the nature of commercial paper and other instruments, certificates or evidences of obligation and to loan the proceeds of the sale of such revenue bonds to a facility applicant (as defined in the Act) to finance the acquisition (as that term is defined in the Act) by such facility applicant of a facility (as that term is defined in Section 266A of the Act). The Act declares it to be its legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and commerce and a balanced economy in the State, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction or abatement of pollution of the environment and the utilization and disposal of wastes (where the proceeds of such bonds are used for such purpose) to promote economic development, to protect natural resources and encourage resource recovery and, generally, to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

The City has received a letter of intent (as contemplated by Section 266A(h) of the Act) dated August 1, 1985 (the "Letter of Intent"), from Bruning Paint Company, a Delaware corporation and a facility applicant (as defined in the Act), and a facility user (as defined in the Act) (hereinafter referred to as the "Borrower") pursuant to which the Borrower has requested the City to participate in the financing of the acquisition (within the meaning of the Act) by the Borrower of a facility (within the definition of the Act) to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the City of its Baltimore City, Maryland Economic Development Revenue Bonds (Bruning Paint Company Expansion Project) (the "Bonds"), in an aggregate principal amount not exceeding \$2,250,000, and by loaning the proceeds of the Bonds to the Borrower upon the terms and conditions of one or more loan or other agreements to be entered into between the City and the Borrower (collectively, the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan").

The Facility will consist generally of the following (i) the construction of a two story addition to an existing building to contain approximately 40,000 square feet (the "Building") on a parcel of land located at 601 S. Haven Street, Highlandtown, Baltimore, Maryland 21224, (ii) the acquisition and installation in the Building of certain machinery and equipment and other improvements therein as may be necessary or useful in connection with the operation of the Borrower's

business, (iii) the acquisition of such interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, and (iv) the renovation of an existing building at 601 S. Haven Street and the razing of an existing 14,000 square foot building at 601 S. Haven Street. The Facility will be owned and used by the Borrower as a manufacturing, warehouse, packaging and office facility in connection with the Borrower's paint manufacturing business.

The City has determined to accept the Letter of Intent, to issue and sell Bonds in an aggregate principal amount not exceeding \$2,250,000 and to lend the proceeds of the Bonds to the Borrower on the terms and conditions to be set forth in the Loan Agreement in order to help finance the acquisition of the Facility by the Borrower.

As security for the Bonds, the City will, for each series of the Bonds, enter into either (a) a Trust Agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") or the Mayor of the City (the "Mayor") as provided herein or (b) an Assignment and Security Agreement or other similar agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser"), and, if appropriate, a trustee or trustees (which may be the Original Purchaser) (collectively, the "Project Fund Trustee"). Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser or other applicable party, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) all security referred to therein, excepting only the rights of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, and (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds.

The Trust Agreement or the Assignment and the Loan Agreement may be combined into one agreement (a "Financing Agreement"). All references to Trust Agreement, Assignment and Loan Agreement herein shall also mean and refer to a Financing Agreement.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance of the Bonds by the City pursuant to the Act in order to loan the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the Borrower's acquisition (as that term is used in the Act) of the Facility and to pay the costs of preparing, printing and selling the Bonds, to fund reserves, to pay interest on the Bonds and to pay other costs permitted by the Act, will facilitate and expedite the acquisition of the Facility by the Borrower.

(b) The accomplishment of the transaction contemplated and authorized by this Resolution will (i) sustain jobs and employment opportunities and aid in maintaining employment, thus relieving conditions of unemployment in the State and in the City; (ii) encourage the increase of industry and commerce and a balanced economy in the State and in the City; (iii) promote economic development; and (iv) generally promote the health, welfare and safety of the residents of the State and of the City.

(c) In addition to authorizing the City itself to acquire the Facility and either to lease or to sell such Facility to the Borrower or to otherwise accomplish the financing of the acquisition, the Act also authorizes the financing of the Facility to be accomplished in the form of a loan to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the construction, ownership or administration of the Facility; it permits, however, controls to be imposed on the use of the proceeds of the sale of the Bonds to insure that the public purposes of the Act and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Facility by a loan of the Bond proceeds to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds.

(d) Neither the Bonds nor the interest thereon shall ever constitute a pledge of, or involve the faith and credit or the taxing power of, the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City and shall be fully negotiable, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, and from any other moneys made available to the City for such purposes. The proceeds of the Bonds will be paid directly to (a) the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or (b) if deemed appropriate by the Board or the Mayor, by the Project Fund Trustee as provided in the Assignment or, (c) if deemed appropriate by the Board or the Mayor, the Borrower. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board or the Mayor. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The loan form of the transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Act are to be achieved by facilitating the acquisition and installation of the Facility by the Borrower.

(e) The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligation of the Borrower to make the payments re-

quired by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the revenue bonds as the Board may provide for and approve in a resolution or as the Mayor may approve, (c) revenues from or arising in connection securities or contracts purchased or otherwise acquired with or in connection with the Bonds and (d) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board or the Mayor may approve.

SEC. 2. *And be it further resolved*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Economic Development Revenue Bonds (Bruning Paint Company Expansion Project), in the aggregate principal amount not to exceed \$2,250,000, subject to the provisions of this Resolution.

SEC. 3. *And be it further resolved*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bond (Bruning Paint Company Expansion Project)", provided that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution or the Mayor may prescribe (e.g. "1985 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board or the Mayor as provided herein.

SEC. 4. *And be it further resolved*, That the definitive Bonds, which may be engraved, printed or typewritten, including the Trustee's certificate of authentication if any, to be endorsed thereon, shall be in such form, not inconsistent with the Act and the provisions of this Resolution, as the Board or the Mayor may approve.

SEC. 5. *And be it further resolved*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal, by his manual or facsimile signature, as permitted by law. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and, if applicable, the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal by his manual or facsimile signature, as required by law. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and cer-

tificates as the Board or the Mayor may determine to be necessary to carry out and comply with the provisions hereof.

SEC. 6. *And be it further resolved*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$2,250,000 as the Board or the Mayor shall prescribe.

SEC. 7. *And be it further resolved*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board or the Mayor shall prescribe.

SEC. 8. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt a resolution pursuant to which the Board is hereby authorized to specify, determine, provide for or approve, all or any of the following matters, details, forms, documents or procedures in connection with the Loan and the Bonds:

(a) The terms and provisions of the Bonds, including, without limitation, the principal amount of the Bonds, the maturity or maturities of the Bonds, the rate or rates of interest the Bonds are to bear and the redemption provisions of the Bonds;

(b) The form and tenor of the Bonds, including the determination as to whether the Bonds shall be issued in one or more series, the form in which the Bonds are issued, and the designation of each series of Bonds;

(c) The terms and provisions and form of the Loan Agreement between the City and the Borrower and the terms and provisions and form of any notes or other evidences of obligation issued by the Borrower pursuant to the Loan Agreement;

(d) The terms and provisions and form of the Assignment or Trust Agreement by which the City assigns and transfers, without recourse, all of its rights, title and interest in and to, and remedies with respect to (except for certain rights to indemnification and to payment of administrative expenses of the City, including any enforcement remedies available to the City with respect thereto) the receipts and revenues of the City from the Loan as set forth in Section 1 hereof;

(e) The determination as to whether the proceeds of the Bonds shall be paid directly to the Borrower or paid to, and disbursed by, a trustee or trustees or agent for the benefit of the holders of the Bonds, if any such agent, trustee or trustees is appointed, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such a capacity or a similar capacity.

(f) The determination as to whether the Loan payments shall be made directly to the holder or holders of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such capacity or a similar capacity;

(g) The determination as to whether the assignment of the receipts and revenues of the City from the Loan should be made directly to the holder of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee, or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution regularly serving in such capacity or a similar capacity;

(h) The form of, and the terms and provisions of any mortgage, deed of trust, assignment of leases or security agreement or other security instrument covering the Facility or any portion thereof or any interest therein or any other property as security for the Loan or the Bonds;

(i) The terms and the provisions of any contract, agreement, trust or other instrument (including, without limitation, any guaranty agreement) which it deems necessary or appropriate in connection with the issuance, sale and delivery of the Bonds, the making of the Loan and the acquisition of the Facility;

(j) A determination of the identity of any investment banker, underwriter, placement agents or other broker to be employed by or on behalf of the City in connection with the issuance, sale and delivery of the bonds and the form of any preliminary and final official statement issued in connection with any public offering of the Bonds or any offering memorandum or other official informational document prepared in connection with any private placement of the Bonds;

(k) The determination of the date, time and place when any purchase agreement or proposal shall be submitted for the Bonds, the terms or provisions of any such agreement or proposal and such other matters as the underwriters, investment bankers or other placement agents employed in connection with the issuance of the Bonds may request; and

(l) Such other matters, details, forms, documents or procedures as he may deem appropriate or desirable to the sale, security, issuance, delivery or payment of or for the Bonds for the Loan, including, without limitation, the creation of security for the Bonds and the Loan and provision for the administration of the Bonds, such as trusts or other instruments with banks or trust companies regarding countersignature or delivery of the Bonds or security for the Bonds or the Loan.

SEC. 9. *And be it further resolved*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of the Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board or the Mayor, from the proceeds of the Bonds, and from any other moneys, made available to the City for such purpose.

SEC. 10. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds for the benefit of the Borrower. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the issuance of the Bonds, the Borrower does so at its own risk.

SEC. 11. *And be it further resolved*, That it is hereby found and determined that the best interests of the City will be served by selling the Bonds, at par, at private (negotiated) sale as authorized by the Act, upon the terms and conditions determined by the Board or the Mayor subject to the terms of this Resolution provided, however, that the Bonds may be sold at public (competitive) sale or below or above par (with the consent of the Borrower) if the Board or the Mayor determines that is in the best interests of the City, to sell the Bonds at a public (competitive) sale or sale above or below par.

SEC. 12. *And be it further resolved*, That, in lieu of a resolution of the Board of Finance, the Mayor of the City is hereby authorized to approve or prescribe, by Executive Order, any matters which the Board is authorized to approve or prescribe pursuant to this Resolution.

SEC. 13. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and State laws in effect at the time of issuance of the Bonds which may restrict the issuance of bonds, and (b) issues its bonds (within the meaning of the Act and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

SEC. 14. *And be it further resolved*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition and installation of any portion of the Facility (other than the acquisition and installation of equipment only) to the Department of Housing and Community Development and the Department of Planning for approval, and that the Department of Housing and Community Development and the Department of Planning may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) With respect to such portion of the Facility, the Borrower will work with the design advisory group appointed by the Department of Housing and Community Development and the Department of Planning in order to achieve high quality site, building and landscape design.

SEC. 15. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part thereof are inapplicable had been specifically exempted herefrom.

SEC. 16. *And be it further resolved*, That, this Resolution is intended to be, and shall constitute, a commitment by the City to the Borrower to issue and deliver the Bonds authorized hereby in accordance with the terms hereof, provided however, that if no Bonds have been issued pursuant to this Resolution within six months after the effective date of this Resolution or prior to December 31, 1985, whichever first occurs, the authority and commitment of the City to issue the Bonds granted hereunder shall end; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Resolution. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 17. *AND BE IT FURTHER RESOLVED*, THAT, AS REQUIRED BY SECTION 103(N)(12)(A) OF THE CODE, EACH MEMBER OF THE CITY COUNCIL WHO VOTES IN FAVOR OF, OR AGAINST, THE ADOPTION OF THIS RESOLUTION, AND THE MAYOR, BY HIS APPROVAL OR VETO OF THIS RESOLUTION, HEREBY CERTIFIES UNDER PENALTY OF PERJURY, THAT THE ALLOCATION GRANTED TO THE BORROWER BY THE CITY COUNCIL HAS NOT BEEN MADE IN CONSIDERATION OF ANY GIFT, GRATUITY, BRIBE OR DIRECT OR INDIRECT CONTRIBUTION TO ANY POLITICAL CAMPAIGN.

SEC. 18. *AND BE IT FURTHER RESOLVED*, THAT THE CITY HAS MADE THE FINDINGS SET FORTH, HEREIN, BASED ON THE INFORMATION PROVIDED TO THE CITY BY THE BORROWER, AND THE CITY HAS CONSIDERED (A) THE AVAILABILITY OR FEASIBILITY OF CONVENTIONAL FINANCING ON REASONABLE TERMS TO FINANCE THE FACILITY, (B) THE COMPETITIVE EFFECT OF THE ISSUANCE OF THE BONDS ON OTHER BUSINESS ENTITIES CONDUCTING BUSINESS ACTIVITIES SIMILAR TO THOSE OF THE BORROWER WITHIN THE JURISDICTION OF THE CITY, AND (C) THE NECESSITY FOR THE ISSUANCE OF THE BONDS FOR COMPETITIVE ECONOMIC DEVELOPMENT PURPOSES TO ASSURE JOB OPPORTUNITIES AND TO PROVIDE FOR A SUFFICIENT TAX BASE.

SEC. 47 19. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 53

(Council No. 944)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
(EBA ENGINEERING FACILITY)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$900,000 pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, for the sole and exclusive purpose of financing the costs of a certain project in Baltimore City consisting of (a) the acquisition of a tract of land containing approximately 2.07 acres, known as lots 3 and 4 of the subdivision to be filed among the Land Records of Baltimore City for Seton Business Park on Metro Drive in Baltimore City, (b) the construction of an approximately 17,700 square foot building, thereon consisting of office and laboratory space, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, including office furniture, office equipment and a computer, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; to be owned by The Sain Group, and leased to EBA Engineering, Inc., for use as an office and materials testing laboratory in its business of consulting engineering, and other tenants yet to be identified; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated July 30, 1985, from The Sain Group and EBA Engineering, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that The Sain Group shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before December 31, 1985, unless the Board of Finance of the City ap-

proves one six-month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or

(4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

(1) specify and describe the facility or facilities;

(2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;

(3) specify the maximum principal amount of the bonds that may be issued; and

(4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

(1) its finance board (as defined in the Act), by resolution; or

(2) its chief executive officer (as defined in the Act), by executive order or otherwise; or

(3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer,

to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated August 5, 1985 (the "Letter of Intent") from Harbor Exchange Limited Partnership, a Maryland limited partnership (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of the retail/trade-mart portion of a certain facility in Baltimore City, Maryland (the "Facility") by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$7,590,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's and the Facility User's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds (hereinafter defined) will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Facility Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of a tract of land containing approximately 2.07 acres, known as lots 3 and 4 of the subdivision to be filed among the Land Records of Baltimore City for Seton Business Park on Metro Drive in Baltimore City, (b) the construction of an approximately 17,700 square foot building thereon consisting of office and laboratory space, (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, including office furniture, office equipment and a computer, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Upon completion, the Facility will be owned by the Facility Applicant and leased both to the Facility User for use as an office and materials testing laboratory in its business of consulting engineering, and to other tenants yet to be identified.

The City, based upon the findings and determinations subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$900,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the City and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into

between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

• NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility User is also "facility user" within the meaning of the Act; other tenants, yet to be identified, for less than approximately 35% of the usable space in the Facility, shall also become "facility users" (within the meaning of the Act) at the time they lease space in the Facility.
- (4) The Facility is a "facility" within the meaning of the Act.
- (5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (6) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (9) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in the City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in the City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in the City; (d) promoting economic development in the State and in the City by

stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and the City. Specifically, as indicated in the Letter of Intent, the acquisition of the Facility will enable the Facility User to (i) maintain its commercial operations in the City; (ii) relieve conditions of unemployment in the State and the City; (iii) encourage the increase of industry in the State and the City, and (iv) promote economic development and the health, welfare and safety of the residents of the State and the City.

(10) Based on information provided to the City by the Facility Applicant and the Facility User, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant and the Facility User within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, and premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$900,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facili-

ty Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same shall become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$900,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-9(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Facility Applicant contemplate that, upon the effectiveness of this Resolution, the Facility Applicant may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws) within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to ensure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be

necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bonds of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bond of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denomination, date, maturity or maturities (within the limits prescribed in the Act), and

the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 10 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If any extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its approval by the Mayor of the City.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 54

(Council No. 945)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS -
(HARBOR EXCHANGE LIMITED PARTNERSHIP FACILITY)**

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$7,590,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Harbor Exchange Limited Partnership, a Maryland Limited Partnership, of a certain facility in Baltimore City consisting of the acquisition of the real property (or interests therein) to be known as 501 Harbor View Boulevard, located at Camden Yards—southwest quadrant of Camden and South Eutaw Streets, in Baltimore City, the renovation and rehabilitation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by Harbor Exchange Limited Partnership, and leased to various tenants yet to be determined, for use by them as low cost, high quality retail and trade mart space; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated August 5, 1985 from Harbor Exchange Limited Partnership to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Harbor Exchange Limited Partnership shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before December 31, 1985, unless the Board of Finance of the City approves one six-month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in

the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;

- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or
- (2) its chief executive officer (as defined in the Act), by executive order or otherwise; or
- (3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer,

to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated August 5, 1985 (the "Letter of Intent") from Harbor Exchange Limited Partnership, a Maryland limited partnership (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of the retail/trade-mart portion of a certain facility in Baltimore City, Maryland (the "Facility") by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$7,590,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction, renovation and rehabilitation of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds (hereinafter defined) will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Facility Ap-

plicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of a tract of land containing approximately 4.2. acres, known as 501 Harbor View Boulevard and located at Camden Yards—southwest quadrant of Camden and South Eutaw Streets in Baltimore City (the “Land”), (b) the acquisition, renovation and rehabilitation of an approximately 420,000 square foot building on the Land known as The Harbor Exchange (the “Building”), (c) the acquisition and installation in such building of any or all machinery and equipment and any or all other improvements therein, as may be necessary or useful in connection with the operation thereof, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. The Building will contain eight (8) floors. The first four (4) floors will be leased by the Facility Applicant to various tenants, yet to be determined, to be used for retail/trade-mart purposes (hereinafter collectively referred to as “retail”); and the other four (4) floors will be leased by the Facility Applicant to various tenants for use as office space. The portion of the Facility (including an allocable portion of the items described in (a), (b), (c) and (d) above) that is to be used for retail purposes is hereinafter referred to as the “IRB Facility”. Upon completion, the IRB Facility will be owned by the Facility Applicant for use by the Facility Applicant as low cost, high quality retail space in its business of ownership and leasing of retail real estate.

It is the intention of the City that a substantial portion of the IRB Facility shall be used for retail purposes for a period of not less than five (5) years from the date of the issuance of the Bonds (hereinafter defined). This use may be altered during said five (5) year period only with the express approval of the Board of Finance of the City upon recommendation by the Baltimore Economic Development Corporation and the Neighborhood Progress Administration/DHCD.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the IRB Facility by issuing, selling and delivering, at any time or from time to time and in or more series, its bonds in an aggregate principal amount not to exceed \$7,590,000 (the “Bonds”), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the City and the Facility Applicant (a “Loan Agreement”), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the IRB Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the IRB Facility and, at the election of the Facility Applicant, either (a) leasing the IRB Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a “Lease”), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a “Sale Agreement”).

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility Applicant is a "facility user" within the meaning of the Act; and various tenants, yet to be determined, shall become "facility users" (within the meaning of the Act) at such time they as they enter into leases for use of the retail space in the IRB Facility.
- (4) The IRB Facility is a "facility" within the meaning of the Act.
- (5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (6) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the IRB Facility will facilitate and expedite the acquisition of the IRB Facility.
- (9) The acquisition of the IRB Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in the City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in the City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in the City through, among other things, development and control, reduction, or abatement of pollution of the environment; (d) promoting economic development in the State and in the City by stimulating the local economy; and (e) protecting natural resources and encouraging resource recovery, and (f) generally promoting the health, welfare and safety of the residents of the State and the City. Specifically, as indicated in the Letter of Intent, the acquisition of the IRB Facility will enable the Facility Applicant and facility users to (i) maintain their retail operations in and/or move their retail operations to the City; (ii)

relieve conditions of unemployment in the City and State; (iii) encourage the increase of industry in the City and the State; (iv) promote economic development and the health, welfare and safety of the residents of the City and the State; and (v) assist in the production of natural resources and the retention of existing industry in the City and the State through the control, reduction or abatement of pollution in the environment.

(10) Based on information provided to the City by the Facility Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the IRB Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, and premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the IRB Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the IRB Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$7,590,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the IRB Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the IRB Facility and, at the election of the Facility Applicant, either (a) lease the IRB

Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the IRB Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the IRB Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The IRB Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the IRB Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$7,590,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Facility Applicant contemplate that, upon the effectiveness of this Resolution, the Facility Applicant may commence the acquisition of the IRB Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the IRB Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws) within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the IRB Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2)

issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to ensure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the IRB Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his or her manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by his or her manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denomination, date, maturity or maturities (within the limits prescribed in the Act), and the date and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 10 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted therefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from December 31, 1985. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That the Bonds and the Financing Agreement shall reflect the intention of the City that a substantial portion of the IRB Facility shall be used for retail purposes, and for related uses, for a period of not less than five (5) years from the date of the issuance of the Bonds and that this use may be altered during said five (5) year period only with the express approval of the Board of Finance of the City upon recommendation by the Baltimore Economic Development Corporation and the Neighborhood Progress Administration/DHCD.

SEC. 16. *And be it further resolved*, That this Resolution shall take effect from the date of its approval by the Mayor of the City.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 55

(Council No. 947)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS –
(WEST BELVEDERE MEDICAL OFFICE BUILDING)**

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$9,000,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Sinai MOB, Inc., a Maryland corporation, of a certain facility in Baltimore City consisting of the construction and equipping of portions of an office building at 2401 West Belvedere Avenue, in Baltimore City, to be owned by Sinai MOB, Inc., and expected to be leased primarily to physicians on the staff of Sinai Hospital as well as certain commercial tenants; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated August 7, 1985, from Sinai MOB, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Sinai MOB, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six-month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), empowers Mayor and City Council of Baltimore (the "City") to issue and sell its bonds, (as its limited obligations and not upon its faith and credit or a pledge of its taxing power) for the purposes of financing or refinancing any costs of the acquisition of facilities in order to (1) relieve conditions of unemployment in the State; (2) encourage the increase of industry and commerce and a balanced economy in the State; (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through,

among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes; (4) promote economic development; (5) protect natural resources and encourage resource recovery; and (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

Bonds issued pursuant to the Act may be authorized by a resolution of the legislative body of the issuer that (1) specifies and describes the facility or facilities to be financed; (2) generally describes the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act; (3) specifies the maximum principal amount of the bonds that may be issued; and (4) imposes any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act allows the legislative body to empower the issuer's board of finance, chief executive officer or other appropriate administrative officer to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreement with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

The City has received a letter of intent dated August 7, 1985, (the "Letter of Intent") from Sinai MOB, Inc., a Maryland corporation (the "Facility Applicant"), requesting the City to issue and sell its economic development revenue bonds in the aggregate principal amount not to exceed \$9,000,000 to finance the construction and equipping of all or portions of an office building having approximately 136,000 square feet to be located at 2401 West Belvedere Avenue in Baltimore City (the "Facility"). The Facility site is currently located within the grounds of Sinai Hospital, but may be subdivided into a separate parcel. The Facility Applicant expects to own five floors of the six-story building, as well as interest in common facilities. The Facility will include all machinery, equipment or improvements necessary or useful in connection with the operation of the business of the Facility Applicant or any of its tenants, as well as all rights or interests in property as may be necessary or desirable in connection with the foregoing including roads and rights of access, easements, utilities and other necessary site preparation facilities. The Facility Applicant intends to operate the Facility primarily as a medical office building to be leased to physicians on the staff at Sinai Hospital, to commercial tenants and to others. The Facility Applicant's purpose in developing the Facility is to encourage physicians to maintain their practices near Sinai Hospital thereby improving the overall quality of patient care at Sinai Hospital.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The City, has determined to participate in the financing of the Facility in accordance with this Resolution.

SECTION. 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility is a "facility" within the meaning of the Act.
- (4) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (5) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (6) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (7) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (8) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and com-

merce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.

(9) The City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant's within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(10) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(11) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City is authorized to issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$9,000,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will lend or otherwise make available the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a loan agreement or similar instrument ("a Financing Agreement"), to be used by the Facility Applicant for the sole and exclusive purpose of financing or refinancing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility including (without limitation) expenses of preparing, printing, selling and issuing the Bonds, finding of reserves and payment of interest on the Bonds or such period as may be determined in a Financing Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of

the Facility and such other costs permitted by the Act and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$9,000,000; provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution evidences the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds or the exemption from federal income taxation of the interest payable on such bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed

necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed; provided that if the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, the signatures of the Mayor, Director of Finance and Custodian of the City Seal may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

The authority to issue the Bonds is intended to and shall include the authority to issue revenue refunding bonds, and references herein to the "Bonds" shall include revenue refunding bonds where appropriate. In the event that any revenue refunding bonds are issued, the outstanding principal amount of any "refunded bonds" (as hereinafter defined) shall not be taken into account in determining the aggregate principal amount of Bonds issued, sold and delivered hereunder. The term "refunded bonds" means any Bonds (i) for the payment of which (both principal and interest) provision has been made from the proceeds (including any earnings on the investment thereof) of Bonds issued pursuant to this Ordinance or from moneys made available for such purpose or (ii) which have been paid from such proceeds or such moneys, whether such provision for payment, or such payment, is made at or prior to the maturity of such Bonds.

The authority to issue the Bonds is intended to include the authority to enter into an agreement with the Maryland Industrial Development Financing Authority providing for insurance of the payment or repayment of principal of, redemption or repayment premiums or penalties on, and interest on the Bonds.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bonds of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

- (1) shall finally approve the issuance of the Bonds of any series;
- (2) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;
- (3) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;
- (4) may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;
- (5) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement or Financing Agreements, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;
- (6) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;
- (7) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;
- (8) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;
- (9) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;
- (10) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;
- (11) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;
- (12) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(13) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, each member of the City Council of the City who voted in favor of the passage of this Resolution by such vote, and the Mayor of the City, by his approval of this Resolution, individually certifies under penalty of perjury that such vote or such approval was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that no Bonds or such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 56

(Council No. 948)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
(SINAI PROPERTIES FACILITY)

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$5,000,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Sinai Properties, Inc., a Maryland corporation, of a certain facility in Baltimore City consisting of the construction and equipping of portions of an office building at 2401 West Belvedere Avenue and parking facilities located at 5001-5101 Greenspring Avenue in Baltimore City, to be owned by Sinai Properties, Inc., and expected to be leased to Sinai Hospital of Baltimore, Inc., for use by the Hospital's Department of Ophthalmology; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated August 7, 1985, from Sinai Properties, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Sinai Properties, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six-month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), empowers Mayor and City Council of Baltimore (the "City") to issue and sell its bonds, (as its limited obligations and not upon its faith and credit or a pledge of its taxing power) for the purposes of financing or refinancing any costs of the acquisition of facilities in order to (1) relieve conditions of unemployment in the State; (2) encourage the increase of industry and commerce and a balanced economy in the State; (3) assist in the retention of existing industry and com-

merce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes; (4) promote economic development; (5) protect natural resources and encourage resource recovery; and (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

Bonds issued pursuant to the Act may be authorized by a resolution of the legislative body of the issuer that (1) specifies and describes the facility or facilities to be financed; (2) generally describes the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act; (3) specifies the maximum principal amount of the bonds that may be issued; and (4) imposes any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act allows the legislative body to empower the issuer's board of finance, chief executive officer or other appropriate administrative officer to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreement with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

The City has received a letter of intent dated August 7, 1985, (the "Letter of Intent") from Sinai Properties, Inc., a Maryland corporation (the "Facility Applicant"), requesting the City to issue and sell its economic development revenue bonds in the aggregate principal amount not to exceed \$5,000,000 to finance the construction and equipping of portions of an office building having approximately 136,000 square feet to be located at 2401 West Belvedere Avenue in Baltimore City and parking facilities and access facilities such as a pedestrian bridge to Sinai Hospital to be located at 5001-5101 Greenspring Avenue (together, the "Facility"). The office site is currently located within the grounds of Sinai Hospital, but may be subdivided into a separate parcel. The Facility Applicant expects to own one of the six floors of the office building, as well as an interest in common areas of the building and to lease that floor to Sinai Hospital of Baltimore, Inc. for use by the Hospital's Department of Ophthalmology. The parking facilities are expected to be used for the physicians, patients, visitors and guests of Sinai Hospital, as well as those using the office building. The Facility will include all machinery, equipment or improvements necessary or useful in connection with the operation of the business of the Facility Applicant or of its tenants, as well as all rights or interests in property as may be necessary or desirable in connection with the foregoing, including roads, rights of access, easements, utilities or other necessary site preparation facilities.

Because the Facility Applicant and Sinai Hospital are "exempt persons" under the Internal Revenue Code, the Bonds will not be private activity bonds.

The City, has determined to participate in the financing of the Facility in accordance with this Resolution.

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility is a "facility" within the meaning of the Act.
- (4) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (5) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (6) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (7) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (8) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.
- (9) The City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant's within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.
- (10) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the

City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(11) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City is authorized to issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$5,000,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will lend or otherwise make available the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a loan agreement or similar instrument ("a Financing Agreement"), to be used by the Facility Applicant for the sole and exclusive purpose of financing or refinancing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility including (without limitation) expenses of preparing, printing, selling and issuing the Bonds, finding of reserves and payment of interest on the Bonds or such period as may be determined in a Financing Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and such other costs permitted by the Act and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$5,000,000; provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution evidences the present intent of the City to issue the Bonds, and the Mayor of the City is hereby

authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution.

SEC. 5. *And be it further resolved*, That the City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed; provided that if the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, the signatures of the Mayor, Director of Finance and Custodian of the City Seal may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

The authority to issue the Bonds is intended to and shall include the authority to issue revenue refunding bonds, and references herein to the "Bonds" shall include revenue refunding bonds where appropriate. In the event that any revenue refunding bonds are issued, the outstanding principal amount of any "refunded bonds" (as hereinafter defined) shall not be taken into account in determining the aggregate principal amount of Bonds issued, sold and delivered hereunder. The term "refunded bonds" means any Bonds (i) for the payment of which (both principal and interest) provision has been made from the proceeds (including any earnings on the investment thereof) of Bonds issued pursuant to this Ordinance or from moneys made available for such purpose or (ii) which have been paid from such proceeds or such moneys, whether such provision for payment, or such payment, is made at or prior to the maturity of such Bonds.

The authority to issue the Bonds is intended to include the authority to enter into an agreement with the Maryland Industrial Development Financing Authority providing for insurance of the payment or repayment of principal of, redemption or repayment premiums or penalties on, and interest on the Bonds.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor

of the City deems it to be in the best interests of the City to sell the Bonds of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall finally approve the issuance of the Bond of any series;

(2) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(3) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(4) may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(5) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement or Financing Agreements, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(6) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(7) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(8) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(9) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(10) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than

full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(11) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(12) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(13) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, individually certifies under penalty of perjury that such vote or such approval was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that no Bonds or such bond anticipation notes are issued and sold within the time periods set forth in

this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 57

(Council No. 953)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
(MOUNTVIEW HEALTH VILLAGE PROJECT)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, at any time or from time to time in one or more series, as limited obligations of the City and not upon its full faith and credit, its Economic Development Revenue Bonds, to be designated "Baltimore City, Maryland Economic Development Revenue Bonds (Mountview Health Village Project)", in the aggregate principal amount not to exceed \$8,000,000), pursuant to Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with one or more of the following (i) the construction of a building of approximately 84,000 square feet and containing approximately 120 units (the "Building") on three acres of land of a 14.88 acre parcel of land located at 22 South Athol Avenue, Baltimore, Maryland 21229 to be used as a Life Care Community for middle income elderly residents, (ii) the acquisition and installation in the building of certain machinery and equipment and other improvements as may be necessary or useful in connection with the operation of the building and (iii) the acquisition of such interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities (collectively the "Project"), and (if necessary the funding of reserves and payment of interest on such bonds, making certain legislative findings; authorizing the loan of the proceeds of the Bonds to Mountview Health Village (the "Borrower"); authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall (a) specify, prescribe, determine, provide for or approve certain details, forms, documents or procedures in connection with the Bonds issued hereunder and the Loan of the proceeds of such Bonds to the Borrower and any other matters necessary or desirable in connection with the authorization, issuance, sale, and

payment of such revenue bonds, including, but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds and, in the alternative, that the Mayor of the City shall be authorized to approve, by executive order, all matters delegated for approval to the Board of Finance; authorizing the Mayor of the City to accept the letter of intent from the borrower dated July 29, 1985; providing that the authorization for the issuance of bonds hereunder shall be of limited duration and for one six month extension of such authorization; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1984 Cumulative Supplement), (the "Act"), constitutes those provisions of Maryland law authorizing the issuance of industrial development revenue bonds by all the counties and municipalities of the State of Maryland (the "State").

The Act empowers the counties and municipalities of the State to issue revenue bonds, bond anticipation notes, notes in the nature of commercial paper and other instruments, certificates or evidences of obligation and to loan the proceeds of the sale of such revenue bonds to a facility applicant (as defined in the Act) to finance the acquisition (as that term is defined in the Act) by such facility applicant of a facility (as that term is defined in Section 266A of the Act). The Act declares it to be its legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and commerce and a balanced economy in the State, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction or abatement of pollution of the environment and the utilization and disposal of wastes (where the proceeds of such bonds are used for such purpose), to promote economic development, to protect natural resources and encourage resource recovery and, generally, to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

The City has received a letter of intent (as contemplated by Section 266A(h) of the Act) dated July 29, 1985 (the "Letter of Intent"), from Mountview Health Village, a Maryland general partnership and a facility applicant (as defined in the Act), and a facility user (as defined in the Act) (hereinafter referred to as the "Borrower") pursuant to which the Borrower has requested the City to participate in the financing of the acquisition (within the meaning of the Act) by the Borrower of a facility (within the definition of the Act) to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the City of its Baltimore City, Maryland Economic Development Revenue Bonds (Mountview Health Village Project) (the "Bonds"), in an aggregate principal amount not exceeding \$8,000,000, and by loaning the proceeds of the Bonds to the Borrower

upon the terms and conditions of one or more loan or other agreements to be entered into between the City and the Borrower (collectively, the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan").

The Facility will consist generally of the following (i) the construction of a building of approximately 84,000 square feet and containing approximately 120 units (the "Building") on three acres of a 14.88 acre parcel of land located at 22 South Athol Avenue, Baltimore, Maryland 21229 to be used as a life care community for middle income elderly residents, (ii) the acquisition and installation in the Building of certain machinery and equipment and other improvements therein as may be necessary or useful in connection with the operation of the Facility User's business, and (iii) the acquisition of such interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. The Facility will be owned and used by the Borrower.

The City has determined to accept the Letter of Intent, to issue and sell Bonds in an aggregate principal amount not exceeding \$8,000,000 and to lend the proceeds of the Bonds to the Borrower on the terms and conditions to be set forth in the Loan Agreement in order to help finance the acquisition of the Facility by the Borrower.

As security for the Bonds, the City will, for each series of the Bonds, enter into either (a) a Trust Agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") or the Mayor of the City (the "Mayor") as provided herein or (b) an Assignment and Security Agreement or other similar agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser"), and, if appropriate, a trustee or trustees (which may be the Original Purchaser) (collectively, the "Project Fund Trustee"). Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser or other applicable party, its successors and assigns, (among other things) (a) all of the City's rights, title and interest in and to and remedies under the Loan Agreement, including (without limitation) all security referred to therein, excepting only the rights of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, and (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds.

The Trust Agreement or the Assignment and the Loan Agreement may be combined into one agreement (a "Financing Agreement"). All references to Trust Agreement, Assignment and Loan Agreement herein shall also mean and refer to a Financing Agreement.

The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds, and it is intended that the provisions of this Resolution applying to "bonds" and "Bonds" shall include such

bond anticipation notes, and any refunding bonds issued to refund any bonds or bond anticipation notes issued pursuant to this Resolution, unless the context clearly requires a contrary meaning. Words and terms used in this Resolution (including the Recitals) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance of the Bonds by the City pursuant to the Act in order to loan the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the Borrower's acquisition (as that term is used in the Act) of the Facility and to pay the costs of preparing, printing and selling the Bonds, to fund reserves, to pay interest on the Bonds and to pay other costs permitted by the Act, will facilitate and expedite the acquisition of the Facility by the Borrower.

(b) The accomplishment of the transactions contemplated and authorized by this Resolution will (i) sustain jobs and employment opportunities and aid in maintaining employment, thus relieving conditions of unemployment in the State and in the City; (ii) encourage the increase of industry and commerce and a balanced economy in the State and in the City; (iii) promote economic development; and (iv) generally promote the health, welfare and safety of the residents of the State and of the City.

(c) In addition to authorizing the City itself to acquire the Facility and either to lease or to sell such Facility to the Borrower or the Facility User or to otherwise accomplish the financing of the acquisition, the Act also authorizes the financing of the Facility to be accomplished in the form of a loan to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the construction, ownership or administration of the Facility; it permits, however, controls to be imposed on the use of the proceeds of the sale of the Bonds to insure that the public purposes of the Act and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Facility by a loan of the Bond proceeds to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds.

(d) Neither the Bonds nor the interest thereon shall ever constitute a pledge of, or involve the faith and credit or the taxing power of, the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City and shall be fully negotiable, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, and from any other moneys made available to the City for such purposes. The proceeds of the Bonds will be paid directly to (a) the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or (b) if deemed appropriate by the Board or the

Mayor, by the Project Fund Trustee as provided in the Assignment or, (c) if deemed appropriate by the Board or the Mayor, the Borrower. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board or the Mayor. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The loan form of the transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Act are to be achieved by facilitating the acquisition and installation of the Facility by the Borrower.

(e) The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligation of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the revenue bonds as the Board may provide for and approve in a resolution or as the Mayor may approve, (c) revenues from or arising in connection with securities or contracts purchased or otherwise acquired with or in connection with the Bonds and (d) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board or the Mayor may approve.

SEC. 2. *And be it further resolved*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Economic Development Revenue Bonds (Mountview Health Village Project), in the aggregate principal amount not to exceed \$8,000,000, subject to the provisions of this Resolution. For the purpose of applying the foregoing limitation in the event that any refunding bonds are issued, the outstanding principal amount of any bonds, provision for the payment of which has been made from the proceeds of such refunding bonds, shall not be taken into account in determining the aggregate principal amount of bonds issued, sold and delivered pursuant to this Resolution.

SEC. 3. *And be it further resolved*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bond (Mountview Health Village Project)" provided that the descriptive title may contain such other descriptive information as the Board may prescribe in a resolution or the Mayor may prescribe (e.g. "1985 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the board or the Mayor as provided herein.

SEC. 4. *And be it further resolved*, That the definitive Bonds, which may be engraved, printed or typewritten, including the Trustee's certificate of authentication if any, to be endorsed thereon, shall be in such form, not inconsistent with the Act and the provisions of this Resolution, as the Board or the Mayor may approve.

SEC. 5. *And be it further resolved*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by this manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal, by his manual or facsimile signature, as permitted by law. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and, if applicable, the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal by his manual or facsimile signature, as required by law. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board or the Mayor may determine to be necessary to carry out and comply with the provisions hereof.

SEC. 6. *And be it further resolved*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$8,000,000 as the Board or the Mayor shall prescribe.

SEC. 7. *And be it further resolved*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board or the Mayor shall prescribe.

SEC. 8. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt a resolution pursuant to which the Board is hereby authorized to specify, determine, provide for or approve, all or any of the following matters, details, forms, documents or procedures in connection with the Loan and the Bonds:

(a) The terms and provisions of the Bonds, including, without limitation, the principal amount of the Bonds, the maturity or maturities of the Bonds, the rate or rates of the interest the Bonds are to bear and the redemption provisions of the Bonds;

(b) The form and tenor of the Bonds, including the determination as to whether the Bonds shall be issued in one or more series, the form in which the Bonds are issued, and the designation of each series of Bonds;

(c) The terms and provisions and form of the Loan Agreement between the City and the Borrower and the terms and provisions and form of any notes or other evidences of obligation issued by the Borrower pursuant to the Loan Agreement;

(d) The terms and provisions and form of the Assignment or Trust Agreement by which the City assigns and transfers, without recourse, all of its rights, title and interest in and to, and remedies with respect to (except for certain rights to indemnification and to payment of administrative expenses of the City, including any enforcement remedies available to the City with respect thereto) the receipts and revenues of the City from the Loan as set forth in Section 1 hereof;

(e) The determination as to whether the proceeds of the Bonds shall be paid directly to the Borrower or paid to, and disbursed by, a trustee or trustees or agent for the benefit of the holders of the Bonds, if any such agent, trustee or trustees is appointed, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such a capacity or a similar capacity;

(f) The determination as to whether the Loan payments shall be made directly to the holder or holders of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such capacity or a similar capacity;

(g) The determination as to whether the assignment of the receipts and revenues of the City from the Loan should be made directly to the holder of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee, or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution regularly serving in such capacity or a similar capacity;

(h) The form of, and the terms and provisions of any mortgage, deed of trust, assignment of leases or security agreement or other security covering the Facility or any portion thereof or any interest therein or any other property as security for the Loan or the Bonds;

(i) The terms and the provision of any contract, agreement, trust or other instrument (including, without limitation, any guaranty agreement) which it deems necessary or appropriate in connection with the issuance, sale and delivery of the Bonds, the making of the Loan and the acquisition of the Facility;

(j) A determination of the identity of any investment banker, underwriter, placement agents or other broker to be employed by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds and the form of any preliminary and final official statement issued in connection with any public offering of the Bonds or any offering memorandum or other official informational document prepared in connection with any private placement of the Bonds;

(k) The determination of the date, time and place when any purchase agreement or proposal shall be submitted for the Bonds, the terms or provisions of any such agreement or proposal and such other matters as the underwriters, invest-

ment bankers or other placement agents employed in connection with the issuance of the Bonds may request; and

(l) Such other matters, details, forms, documents or procedures as he may deem appropriate or desirable to the sale, security, issuance, delivery or payment of or for the Bonds for the Loan, including, without limitation, the creation of security for the Bonds and the Loan and provision for the administration of the Bonds, such as trusts or other instruments with banks or trust companies regarding countersignature or delivery of the Bonds or security for the Bonds or the Loan.

SEC. 9. *And be it further resolved*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board or the Mayor, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose.

SEC. 10. *and be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds for the benefit of the Borrower. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the issuance of the Bonds, the Borrower does so at its own risk.

SEC. 11. *And be it further resolved*, That it is hereby found and determined that the best interests of the City will be served by selling the Bonds, at par, at private (negotiated) sale as authorized by the Act, upon the terms and conditions determined by the Board or the Mayor subject to the terms of this Resolution provided, however, that the Bonds may be sold at public (competitive) sale or below or above par (with the consent of the Borrower) if the Board or the Mayor determines that it is in the best interests of the City, to sell the Bonds at a public (competitive) sale or sale above or below par.

SEC. 12. *And be it further resolved*, That, in lieu of a resolution of the Board of Finance, the Mayor of the City is hereby authorized to approve or prescribe, by Executive Order, any matters which the Board is authorized to approve or prescribe pursuant to this Resolution.

SEC. 13. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and State laws in effect at the time of issuance of the Bonds which may restrict the issuance of bonds, and (b) issues its bonds (within the meaning of the Act and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

SEC. 14. *And be it further resolved*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition and installation of any portion of the Facility (other than the acquisition and installation of equipment only) to the Department of Housing and Community Development and the Department of Planning for approval, and that the Department of Housing and Community Development and the Department of Planning may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) With respect to such portion of the Facility, the Borrower will work with the design advisory group appointed by the Department of Housing and Community Development and the Department of Planning in order to achieve high quality site, building and landscape design.

SEC. 15. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 16. *And be it further resolved*, That, this Resolution is intended to be, and shall constitute, evidence of the intent of the City to issue and deliver the Bonds authorized hereby in accordance with the terms hereof, provided however, that if no Bonds have been issued pursuant to this Resolution within six months after the effective date of this Resolution or prior to December 31, 1985, whichever first occurs, the authority and commitment of the City to issue the Bonds granted hereunder shall end; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Resolution. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 17. *AND BE IT FURTHER RESOLVED*, THAT, AS REQUIRED BY SECTION 103(N)(12)(A) OF THE CODE, EACH MEMBER OF THE CITY

COUNCIL WHO VOTES IN FAVOR OF, OR AGAINST, THE ADOPTION OF THIS RESOLUTION, AND THE MAYOR, BY HIS APPROVAL OR VETO OF THIS RESOLUTION, HEREBY CERTIFIES UNDER PENALTY OF PERJURY, THAT THE ALLOCATION GRANTED TO THE BORROWER BY THE CITY COUNCIL HAS NOT BEEN MADE IN CONSIDERATION OF ANY GIFT, GRATUITY, BRIBE OR DIRECT OR INDIRECT CONTRIBUTION TO ANY POLITICAL CAMPAIGN.

SEC. 18. *AND BE IT FURTHER RESOLVED*, THAT THE CITY HAS MADE THE FINDINGS SET FORTH, HEREIN, BASED ON THE INFORMATION PROVIDED TO THE CITY BY THE BORROWER, AND THE CITY HAS CONSIDERED (A) THE AVAILABILITY OR FEASIBILITY OF CONVENTIONAL FINANCING ON REASONABLE TERMS TO FINANCE THE FACILITY, (B) THE COMPETITIVE EFFECT OF THE ISSUANCE OF THE BONDS ON OTHER BUSINESS ENTITIES CONDUCTING BUSINESS ACTIVITIES SIMILAR TO THOSE OF THE BORROWER WITHIN THE JURISDICTION OF THE CITY, AND (C) THE NECESSITY FOR THE ISSUANCE OF THE BONDS FOR COMPETITIVE ECONOMIC DEVELOPMENT PURPOSES TO ASSURE JOB OPPORTUNITIES AND TO PROVIDE FOR A SUFFICIENT TAX BASE.

SEC. 19. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved September 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 58

(Council No. 937)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS –
(WARNER FRUEHAUF TRAILER FACILITY)

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$6,000,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Sachse Corporation, a Maryland corporation, of a certain facility consisting of the acquisition of the assets of Warner Fruehauf Trailer Co., Inc. by the purchase of the stock and the election to treat such purchase as an acquisition of assets pursuant to Sec-

tion 338 of the Internal Revenue Code, which assets shall include the land and improvements located at 1415 Bush Street, Baltimore Maryland 21230, consisting of 44,140 square feet, the land and improvements located at 1331 Bush Street, Baltimore, Maryland 21230, consisting of 15,270 square feet, the land and improvements located at 1320 Bayard Street, Baltimore, Maryland 21230, consisting of 9,756 square feet, the land and improvements located at 1434 Wicomico Street, Baltimore, Maryland 21230, consisting of 5,828 square feet, the land and improvements located at 2100 Haines Street, Baltimore, Maryland 21230, consisting of 714 square feet, the land and improvements located at 4200 Forrestville Road, Forrestville, Maryland, 20028 consisting of 18,578 square feet, and the land and improvements located at Route 13, Smyrna, Delaware, consisting of 6,496 square feet (the "Buildings"), the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by Sachse, for use in connection with continued operations of a business for the manufacture, construction, repair, maintenance and sale of semi-trailers; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated August 2, 1985 from Sachse Corporation to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Sachse Corporation shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;
- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or

(2) its chief executive officer (as defined in the Act), by executive order or otherwise; or

(3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated August 2, 1985 (the "Letter of Intent") from Sachse Corporation, a Maryland corporation (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$6,000,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of the assets of Warner Fruehauf Trailer Co., Inc. by the purchase of the stock and the election to treat such purchase as an acquisition of assets pursuant to Section 338 of the Internal Revenue Code, which assets shall include the land and improvements located at 1415 Bush Street, Baltimore, Maryland 21230, consisting of 44,140 square feet, the land and improvements

located at 1331 Bush Street, Baltimore, Maryland 21230, consisting of 15,270 square feet, the land and improvements located at 1320 Bayard Street, Baltimore, Maryland 21230, consisting of 9,756 square feet, the land and improvements located at 1434 Wicomico Street, Baltimore, Maryland 21230, consisting of 5,828 square feet, the land and improvements located at 2100 Haines Street, Baltimore, Maryland 21230, consisting of 714 square feet, the land and improvements located at 4200 Forrestville Road, Forrestville, Maryland, 20028 consisting of 18,578 square feet, and the land and improvements located at Route 13, Smyrna, Delaware, consisting of 6,496 square feet (the "Buildings"); (b) the renovation of the Facility, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof. Upon completion, the Facility will be owned by the Facility Applicant for use by the Facility Applicant in its business of the manufacture, construction, repair, maintenance and sale of semi-trailers.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$6,000,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the Public Body and the Facility Applicant (a "Loan Agreement") such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility User is a "facility user" within the meaning of the Act.
- (4) The Facility is a "facility" within the meaning of the Act.
- (5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (6) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (9) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City. Specifically, as indicated in the Letter of Intent, the acquisition of the Facility will permit the continued operation of the business presently conducted by Warner Fruehauf Trailer Co., Inc. and avoid the liquidation and cessation of its business operations.
- (10) Based on information provided to the City by the Facility Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.
- (11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter

provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$6,000,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$6,000,000, provided that bonds anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further

evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his

manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The time-

ly issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bond of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by

the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved October 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 59

(Council No. 938)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(GASCOYNE LABORATORIES INC. FACILITY)

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$1,500,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Susan V. Ptak and Francis L. Ptak, of a certain facility in Baltimore City consisting of the (a) acquisition of a two-acre parcel of land in the Holabird Industrial Park known as 2101 Van Deman Street located in the Dundalk section of Baltimore City, (b) the construction of a 16,000 square foot masonry one-story laboratory and office building thereon, (c) the purchase and installation of certain machinery and equipment therein, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, to be owned by Susan V. Ptak and Francis L. Ptak and leased to Gascoyne Laboratories, Inc., a Maryland corporation, for use by Gascoyne Laboratories, Inc. as offices and testing

laboratories in its business of chemical testing; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated July 8, 1985 from Susan V. Ptak and Francis L. Ptak and Gascoyne Laboratories, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Susan V. Ptak and Francis L. Ptak and Gascoyne Laboratories, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;

- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;
- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or
- (2) its chief executive officer (as defined in the Act), by executive order or otherwise; or
- (3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated July 8, 1985 (the "Letter of Intent") from Susan V. Ptak and Francis L. Ptak (collectively, the "Facility Applicant") and Gascoyne Laboratories, Inc., a Maryland corporation (the "Facility User"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$1,500,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of and include (a) the acquisition of a tract of land containing approximately 2 acres, known as 2101 Van Deman Street and located in the Holabird Industrial Park, in the Dundalk section of Baltimore City, (b) the construction of a 16,000 square foot one-story masonry laboratory and office building thereon, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, and (d) the acquisition of such other interests in land as may be necessary or useful for the foregoing. Upon completion, the Facility will be owned by the Facility Applicant and leased to the Facility User, for use by the Facility User as offices and testing laboratories in its business of chemical testing.

The Facility Applicant has advised the City that it intends to apply to the Maryland Industrial Development Financing Authority ("MIDFA") for financial assistance in accordance with the Maryland Industrial Development Financing Authority Act, and that MIDFA should consider such request at its August 29 Board meeting.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$1,500,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the Public Body and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" within the meaning of the Act.
- (3) The Facility User is a "facility user" within the meaning of the Act.
- (4) The Facility is a "facility" within the meaning of the Act.
- (5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (6) The Letter of Intent is a "letter of intent" within the meaning of the Act.

(7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.

(8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.

(9) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City through, among other things, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City. Specifically, as indicated in the Letter of Intent, the acquisition of the Facility will increase employment in a minority-owned business and will add development to a City-owned industrial park.

(10) Based on information provided to the City by the Facility Applicant and the Facility User, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility User within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(11) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical

public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$1,500,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$1,500,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the ex-

egative order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by

facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bond of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denomination, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses

(including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficien-

cy, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved October 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 60

(Council No. 952)

AN RESOLUTION concerning

GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL OF
BALTIMORE FOR THE BENEFIT OF DOUBLE K IN AN AMOUNT NOT
TO EXCEED \$202,500 (PROPERTY LOCATED AT 3931 EASTERN
AVENUE IN BALTIMORE CITY) IN CONNECTION WITH THE
NEIGHBORHOOD PROGRESS ADMINISTRATION/DHCD PRIVATE
ACTIVITY BOND PROGRAM

FOR the purpose of indicating the present intention of Mayor and City Council of Baltimore to participate in the financing, in an amount not to exceed \$202,500, of the acquisition by Double K, a Maryland general partnership; of a certain facility in Baltimore City consisting of (a) the construction of a building of approximately 4,550 square feet on a certain approximately 10,500 square foot parcel of land (the "Land") already owned by Double K located at 3931 Eastern Avenue in Baltimore City (the "Building"), such Building to be of steel, masonry and glass construction, and (b) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; to be leased by Double K to various tenants which may include Olympic Imported Gifts & Wedding Specialties, Inc., a Maryland corporation, as well as other tenants, which may include a pharmacy, dry cleaning establishment, a photography store or small appliance retail store for use by such tenants as retail commercial stores; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated August 12, 1985 from Double K and Olympic Imported Gifts & Wedding Specialties, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such Bonds, to (a) prescribe, among other things but

not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Double K and Olympic Imported Gifts & Wedding Specialities, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Mayor and City Council of Baltimore (the "City") has received a letter of intent dated August 12, 1985 (the "Letter of Intent") from Double K, a Maryland general partnership (the "Applicant") and Olympic Imported Gifts & Wedding Specialities, Inc., a Maryland corporation (the "Facility User"), requesting the City to participate in the financing of the cost of acquisition by the Applicant of (a) the construction of a building of approximately 4,550 square feet on a certain approximately 10,500 square foot parcel of land (the "Land") already owned by Double K located at 3931 Eastern Avenue in Baltimore City (the "Building"), such Building to be of steel, masonry and glass construction, and (b) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities (the "Facility"). As set forth in the Letter of Intent, the acquisition of the Facility will enable the Facility User to (a) move its commercial operations to the City, (b) relieve conditions of unemployment in the City and the State of Maryland (the "State"), (c) encourage the increase of industry in the City and the State, and (d) promote economic development and the health, welfare and safety of the residents of the City and the State. The Applicant requests that, pursuant to various provisions of the Constitution of Maryland, Acts of the General Assembly of Maryland, various Ordinances of the City and Article II Section (33) and Section (57) of the Charter of Baltimore City, 1964 Revision, as amended (collectively, the "Enabling Laws"), the City authorize, issue, sell, and deliver its bonds, in one or more series (the "Bonds") in connection with the Private Activity Bond Program (the "Private Activity Bond Program") of the Neighborhood Progress Administration/DHCD of the City ("NPA/DHCD"), in an aggregate principal amount not to exceed Two Hundred Two Thousand Five Hundred Dollars (\$202,500). The Applicant intends to lease the Facility to various tenants which may include Olympic Imported Gifts & Wedding Specialities, Inc., a Maryland corporation, as well as various other tenants, which may include a pharmacy, a dry cleaning establishment, a photography store or small appliance retail store.

The Letter of Intent expresses the Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

The Letter of Intent further expresses the Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pur-

suant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Enabling Laws empower the City to make or contract to make, guarantee, or insure financial loans for commercial or industrial purposes from the proceeds of the City's general obligation bonds.

The Enabling Laws authorize and empower a majority of the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the City intends to participate in the financing of the acquisition of the Facility as described generally in the Letter of Intent.

SEC. 2. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution indicates the present intent of the City to provide assistance in such financing pursuant to the Private Activity Bond Program in an amount not to exceed Two Hundred Two Thousand Five Hundred Dollars (\$202,500), by authorizing the issuance, sale and delivery of its Bonds pursuant to the Enabling Laws and by lending the proceeds thereof to the Applicant for the purpose of financing the acquisition of the Facility, directly or by reimbursement, and paying the necessary expenses of preparing, printing and selling the Bonds, and any other costs permitted by the Enabling Laws, all in accordance with the Enabling Laws.

SEC. 3. *And be it resolved by Mayor and City Council of Baltimore*, That based on information provided to the City by the Applicant and the Facility User, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Applicant and the Facility User within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 4. *And be it resolved by Mayor and City Council of Baltimore*, That any and all of the Bonds, and any notes or other obligations, shall be general obliga-

tions of the City and shall be a pledge of and involve the faith and credit and the taxing power of the City.

SEC. 5. *And be it resolved by Mayor and City Council of Baltimore*, That the Mayor of the City hereby is authorized to accept the Letter of Intent on behalf of the City to evidence further the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution and the City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of the Treasury pursuant to Section 103 of the Code, indicative of the willingness and bona fide present intent of the City to authorize the issuance, sale and delivery of the Bonds and as an inducement to the Applicant (i) to proceed with the acquisition of the Facility in the City as permitted by the Enabling Laws, and (ii) to engage in business in the City; provided, however, that, as more fully provided in Section 6 hereof, (1) this Resolution is not and does not constitute a commitment of the City to issue the Bonds, and (2), if the Applicant proceeds with the acquisition of the Facility prior to the making of a loan by the City to the Applicant under the Private Activity Bond Program in the amount of the Bonds, the Applicant does so at its own risk.

SEC. 6. *And be it resolved by Mayor and City Council of Baltimore*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Laws, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Laws and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it resolved by Mayor and City Council of Baltimore*, That, as permitted by the Enabling Laws, the Board shall, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds;

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as

competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 8. *And be it resolved by Mayor and City Council of Baltimore*, That the Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to NPA/DHCD for approval, and that NPA/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by NPA/DHCD to achieve high quality site, building, and landscape design.

SEC. 9. *And be it resolved by Mayor and City Council of Baltimore*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. The maturity of such bond anticipation notes shall not exceed twelve years from the date of issuance of such bond anticipation notes. Prior to the issuance, sale and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions to:

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time to times of issuance, and any and all other details of such bonds anticipation notes and the issuance and sale thereof all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, and under such terms as approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or pur-

chasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Applicant, its officers, agents and employees.

SEC. 10. *And be it resolved by Mayor and City Council of Baltimore*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate principal amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 11. *And be it resolved by Mayor and City Council of Baltimore*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution shall be of an administrative nature and shall take effect from the date of its approval by the Mayor of the City.

Approved October 1, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 61

(Council No. 939)

A RESOLUTION concerning

THE ISSUANCE, SALE AND, IF NECESSARY, INSURANCE BY THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY OF ITS INTERIM AND PERMANENT LIMITED OBLIGATION ECONOMIC DEVELOPMENT REVENUE BONDS PURSUANT TO THE AUTHORITY'S UMBRELLA PROGRAM FOR THE DESIGN FORM, INCORPORATED FACILITY (PROPERTY LOCATED AT 2201 MOSHER STREET IN BALTIMORE CITY, MARYLAND)

FOR the purpose of approving a plan of financing consisting of the issuance, sale and, if necessary, insurance by the Authority, pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act and the Maryland Industrial Development Financing Authority Act, of one or more series of its interim limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$698,000, and one or more series of its permanent limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$698,000, in order to provide interim and permanent financing for the acquisition (as defined in such Acts) by Kazko Limited Partnership, a Maryland limited partnership, of a certain facility (as defined in such Acts) to consist of and include (a) the acquisition of a parcel of land containing approximately 33,470 square feet located at 2201 Mosher Street, (b) the rehabilitation and renovation of the existing improvements located on such land, which improvements include and consist of a one-story building containing approximately 33,470 square feet, and which renovation will include approximately 4,000 additional square feet of mezzanine space, (c) the acquisition and installation of certain necessary or useful equipment and machinery, and (4) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, which facility will be leased by Kazko Limited Partnership to Design Form, Incorporated, a Maryland corporation, for use as a manufacturing and office facility in its business of the manufacture and sale of custom laminated office furniture; specifying and describing such facility; generally describing the public purpose to be served by such facility; specifying and describing various matters in connection therewith and relating generally thereto.

RECITALS

The Maryland Industrial Development Financing Authority Act, as amended (the "MIDFA Act"), provides that in order to accomplish the purposes of the MIDFA Act, the Maryland Industrial Development Financing Authority (the "Authority"), on behalf of the State of Maryland (the "State"), may issue and sell bonds as provided in and in accordance with the Maryland Economic Development Revenue Bond Act (the "Revenue Bond Act"). The MIDFA Act and the Revenue Bond Act are herein sometimes collectively referred to as the "Acts".

The MIDFA Act further provides that the Authority may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the methods described in the Revenue Bond Act.

By Resolution adopted on September 23, 1982, the Authority has established, created and approved its Umbrella Program, under which bonds may be issued, sold and insured by the Authority in order to provide fund for the making of permanent loans to enable facility applicants to finance the costs of the acquisition of facilities in the State.

Under the Umbrella Program, the Authority intends, from time to time and at any time, to issue, sell and, if necessary, insure through its bond insurance fund, its interim limited obligation economic development revenue bonds, the proceeds of which may be used by the Authority to make loans to facility applicants, the proceeds of which loans shall be used to pay the costs (which may include the costs of issuance of permanent bonds) of the acquisition of facilities.

Under the Umbrella Program, the Authority also intends, from time to time and at any time, to use its best efforts to issue, sell and, if necessary, insure, through its bond insurance fund, its umbrella bonds, within which, for purposes of marketing and sale, two or more series of its permanent limited obligation economic development revenue bonds may be consolidated, the proceeds of each series of permanent bonds to be used by the Authority for any or all of the following: (a) to either (i) refinance or refund a corresponding series of its interim bonds, if the acquisition of the facility was financed with the proceeds of a series of interim bonds or (ii) if the acquisition of the facility was not financed with the proceeds of a series of interim bonds, make a loan to a facility applicant, the proceeds of which loan shall be used to pay for, or to reimburse such applicant for the costs (which may include the costs of issuance of permanent bonds) of the acquisition of the facility; (b) to fund certain reserve funds; and (c) to make a second loan to such facility applicant, the proceeds of which second loan shall be used to pay such facility applicant's pro-rata share of the costs of the issuance and sale of the issue of umbrella bonds within which such series of permanent bonds is consolidated.

Section 13-138 of the MIDFA Act provides that prior to the issuance and sale of bonds by the Authority, the legislative body of the county or municipality in which the facility to be financed with the proceeds of the bonds is to be located shall adopt a resolution which (a) is administrative in nature, is not subject to the procedures required for legislative acts and is not subject to referendum, (b) shall specify and describe the facility, and (c) shall generally describe the public purpose to be served by the facility.

Kazko Limited Partnership, a Maryland limited partnership (the "Applicant"), has requested Mayor and City Council of Baltimore, a "county" within the meaning of the Revenue Bond Act (the "City"), to approve the financing by the Authority of a certain facility located or to be located within the geographical boundaries and jurisdiction of the City and more particularly described in this Resolution (the "Facility").

The City has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of the City that

the City approve the financing of the costs of the acquisition of the Facility by the Authority by approving a plan of financing for the Facility, consisting of the issuance and sale pursuant to the Acts and, if necessary, insurance by the Authority, through its bond insurance fund, pursuant to the MIDFA Act, of one or more series of its interim limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$698,000 and one or more series of its permanent limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$698,000.

NOW, THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE ACTS:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That all words and terms used in this Resolution (including the Recitals set forth above) that are defined or used in the Acts shall have the meanings indicated in the Acts, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That in accordance with Section 13-138(e)(2) of the MIDFA Act, the Facility consists of and includes:

(1) the acquisition of a parcel of land containing approximately 33,470 square feet located at 2201 Mosher Street, in Baltimore City, Maryland, together with any and all improvements existing thereon,

(2) the rehabilitation and renovation of the existing improvements located on such land, which improvements include and consist of a one-story building containing approximately 33,470 square feet, and which renovation will include approximately 4,000 additional square feet of mezzanine space,

(3) the acquisition and installation of certain necessary or useful equipment and machinery, and

(4) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities.

The Applicant will lease the Facility to Design Form, Incorporated, a Maryland corporation, for use as a manufacturing and office facility in its business of the manufacture and sale of custom laminated office furniture.

SEC. 3. *And be it further resolved*, That it is hereby found and determined that the Facility and the financial assistance to be provided by the Authority as provided in this Resolution, will fulfill, accomplish and promote the declared public purposes of the Act, which are to (a) relieve conditions of unemployment in the State; (b) encourage the increase of industry and commerce and a balanced economy in the State; (c) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State; (d) promote economic development; and (e) generally promote the health, welfare, and safety of the residents of each of the municipalities of the State. Specifically, it is hereby found and determined that the acquisition of the Facility will increase employment in Baltimore City by encouraging a business enterprise to relocate to the City and expand its operations. Accordingly, it is in the interest of the

public welfare and purpose of the citizens of the State and of the City that the City approve the financing by the Authority of the costs of the acquisition of the Facility within the geographical boundaries and jurisdiction of the City.

SEC. 4. *And be it further resolved*, That the City hereby approves a plan of financing for the acquisition of the Facility, which plan of financing may consist of and include any one or more of the following:

(a) the issuance and sale and, if necessary, insurance by the Authority through its bond insurance fund, at any time and from time to time, of one or more series of its interim limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$698,000 (the "Interim Bonds"), the proceeds of any series of which may be used by the Authority to make a loan to the Applicant, the proceeds of which loan shall be used to pay a portion of the costs (which may include the costs of issuance of the Permanent Bonds) of the acquisition of the Facility;

(b) the acquisition of the Facility by the Applicant with funds other than the proceeds of the Interim Bonds issued by the Authority; and

(c) the issuance, sale and, if necessary, insurance by the Authority through its bond insurance fund, at any time and from time to time, of one or more series of its permanent limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$698,000 (the "Permanent Bonds"; the Interim Bonds and the Permanent Bonds being herein sometimes collectively referred to as the "Bonds"), the proceeds of any series of which may be used by the Authority to (i) either (A) refinance or refund a corresponding series of Interim Bonds, if the acquisition of the Facility was financed with the proceeds of one or more series of the Interim Bonds, or (B) if the acquisition of the Facility was not financed with the proceeds of one or more series of the Interim Bonds, make a loan to the Applicant, the proceeds of which loan shall be used to pay for, or to reimburse the Applicant for a portion of the costs (which may include the costs of issuance of the Permanent Bonds) of the acquisition of the Facility; (ii) fund certain reserve funds; and (iii) make a second loan to the Applicant, the proceeds of which second loan shall be used to pay the Applicant's pro-rata share of the costs of the issuance and sale of the issue of umbrella bonds within which such series of the Permanent Bonds is consolidated.

SEC. 5. *And be it further resolved*, That (a) except for the Authority's insurance of the Bonds (if necessary), the Bonds and the interest thereon will be limited obligations of the Authority, payable solely from revenues or moneys to be received by the Authority in connection with the financing of the acquisition of the Facility or from any other funds provided therefor, (b) the Bonds will not constitute an indebtedness to which the faith and credit of the State, the Department of Economic and Community Development of the State (the "Department"), the Authority, the City or any other public body is pledged, and (c) neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the State, the Department, the Authority, the City, or any other public body and neither shall ever constitute or give rise to any pecuniary liability of the State, the Department, the Authority, the City or any other public body.

SEC. 6. *And be it further resolved*, That the Bonds shall be authorized, issued, sold and delivered without direct or indirect cost to the City, and to that end, the Applicant shall pay all necessary expenses of preparing, printing, selling and issuing the Bonds and all other costs contemplated and permitted by the Acts, including (without limitation) any and all costs, fees and expenses (including, without limitation, any attorneys' fees) incurred by or on behalf of the City in connection with this Resolution or the publication of notices of any public hearings to be held in connection herewith, whether or not the proposed financing is consummated.

SEC. 7. *And be it further resolved*, That the passage of this Resolution shall not in any way indicate the approval of, or constitute any commitment for approval by, the City or any of its officers or employees of, any license, permit, application or any other request to the City with respect to the acquisition and operation of the Facility.

SEC. 8. *And be it further resolved*, That no further action by the City is necessary to effect the financing of the acquisition of the Facility by the Authority or the completion of the transactions contemplated in this Resolution, including, without limitation, the issuance and sale of the Bonds.

SEC. 9. *And be it further resolved*, That in accordance with Section 13-138(e) of the MIDFA Act, this Resolution is administrative in nature, not subject to the procedures required for legislative acts and not subject to referendum.

SEC. 10. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved October 7, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 62

(Council No. 1034)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS –
(EBA ENGINEERING FACILITY)**

FOR the purpose of supplementing and amending Resolution No. 53 of Mayor and City Council of Baltimore, approved by the Mayor on September 30, 1985, to make technical corrections to conform references to a property address, to delete a paragraph from Resolution No. 53 that was misprinted and insert in lieu thereof the correct paragraph and to correct a typographical error.

BY repealing and re-enacting, with amendments, page 1, lines ~~11~~ through ~~13~~ 12 THROUGH 14 contained in the Preamble and page 4, lines 22 through ~~24~~ 25 contained in the Recitals of Resolution No. 53 of Mayor and City Council of Baltimore, approved September 30, 1985.

BY repealing in its entirety page 3, lines 33 through 42 contained in the Recitals of Resolution No. 53 of Mayor and City Council of Baltimore, approved September 30, 1985, and inserting in lieu thereof the correct paragraph.

BY repealing a typographical error in the cited reference to Internal Revenue Code Section regulation on page 7, line 30 of Resolution No. 53 of Mayor and City Council of Baltimore, approved September 30, 1985, inserting in lieu thereof the correct reference.

RECITALS

WHEREAS, Mayor and City Council of Baltimore (the "City"), by Resolution No. 53, approved by the Mayor of the City on September 30, 1985 (the "Resolution"), authorized and empowered the City to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the aggregate principal amount not to exceed \$900,000 pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, for the sole and exclusive purpose of financing the costs of a certain project in the City referred to in the Resolution as consisting of (a) the acquisition of a tract of land containing approximately 2.07 acres, known as lots 3 and 4 of the subdivision to be filed among the Land Records of Baltimore City for Seton Business Park in Baltimore City, (b) the construction of an approximately 17,700 square foot building thereon consisting of office and laboratory space, and (c) the acquisition and installation in such building of any or all machinery and equipment as may be necessary or useful in connection with the operation thereof, including office furniture, office equipment and a computer, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities; to be owned by The Sain Group, a Maryland general partnership (the "Facility Applicant") and leased to EBA Engineering, Inc., a Maryland corporation (the "Facility User") for use as an office and materials testing laboratory in its business of consulting engineering, and other tenants yet to be identified; and

WHEREAS, the City has been advised by the Facility Applicant that a technical correction to the property address is required to conform references on page 1, lines ~~11~~ through ~~13~~ 12 THROUGH 14 contained in the Preamble and page 4, lines 22 through ~~24~~ 25 contained in the Recitals of the Resolution; and

WHEREAS, the City has been advised by the Facility Applicant that a technical correction is required to conform the paragraph contained in page 3, lines 33 through 42 of the Resolution by deleting such lines in their entirety and inserting in lieu thereof the correct paragraph; and

WHEREAS, the City has been advised by the Facility Applicant that a typographical error should be corrected on page 7, line 30 of the Resolution; and

WHEREAS, the City has determined that the issuance and sale of the Bonds by the City pursuant to the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), and the completion of the facility and the financing thereof, as provided in the Resolution, will promote the declared legislative purposes of the Act and are in the best interests of the citizens of the City, and that

in order to accomplish the public purposes of the Act, and the Resolution, it is in the best interests of the citizens of the City, to make the technical corrections set forth herein.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the references on page 1, lines ~~11 through 13~~ 12 THROUGH 14 and page 4, lines ~~22 through 24~~ 22 THROUGH 25, to "2.07 acres, known as Lots 3 and 4 of the subdivision to be filed among the Land Records of Baltimore City for Seton Business Park on Metro Drive" be and they are hereby deleted in their entirety and the following is inserted in lieu thereof: "~~2.24 acres, known as Lot 3 of the subdivision to be filed among the Land Records of Baltimore City, and known as~~ 5800 Metro Drive in the Seton Business Park in Baltimore City". "2.24 ACRES, LOCATED AT LOT 3, SECTION III IN THE SETON BUSINESS PARK IN BALTIMORE CITY, AND KNOWN AS 5800 METRO DRIVE, BALTIMORE CITY, MARYLAND".

SEC. 2. *And be it further resolved*, That page 3, lines 33 through 42 of the Resolution be and they are hereby repealed in their entirety, and are hereby amended, and re-enacted as follows:

"Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City"), has received a letter of intent dated July 30, 1985 (the "Letter of Intent") from The Sain Group, a Maryland general partnership (the "Facility Applicant"), and EBA Engineering, Inc., a Maryland corporation (the "Facility User"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$900,000 pursuant to and in accordance with the Act."

SEC. 3. *And be it further resolved*, That the reference on page 7, line 30 to "Section 1.103-9(a)(5)" of the Resolution be and it is hereby repealed, amended, and re-enacted as follows:

"Section 1.103-8(a)(5)."

SEC. 4. *And be it further resolved*, That this amending and supplemental resolution shall take effect from the date of its approval by the Mayor of the City.

Approved October 30, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 63

(Council No. 1008)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS -
(WAVERLY APARTMENTS & COMPANY FACILITY)**

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$8,000,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition and renovation by Waverly Apartments & Company, a Maryland general partnership, of a certain facility in Baltimore City known as the "Waverly Apartments", a rental apartment project in Baltimore City, which will consist of (a) the acquisition of a parcel of land containing approximately 12.9 acres in Northeast Baltimore, which parcel is bounded on the North by East 30th Street, on the West by Matthews Street, on the South by East 27th Street and on the East by Reese Street and is bisected by Exeter Hall Avenue, (b) the renovation of the existing apartment buildings on such land containing 321 residential rental apartment units, (c) the acquisition, construction, renovation and installation in such buildings and on such land of such machinery and equipment, and any or all other facilities functionally related and subordinate to such apartments as may be necessary or useful in connection with the operation of such rental apartment project, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, the renovation of certain improvements thereon, and the purchase and installation of certain machinery and equipment therein, to be owned by Waverly Apartments & Company and leased to various tenants; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated September 9, 1985 from Waverly Apartments & Company to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Waverly Apartments & Company shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is six months from the date on which this Resolution is approved by the Mayor, unless the Board of Finance of the City approves one six-month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

- (1) by leasing them to one or more facility users under a lease (as defined in the Act);
- (2) by selling them to one or more facility users under a sale agreement (as defined in the Act);
- (3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or
- (4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or

municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

- (1) specify and describe the facility or facilities;
- (2) generally describe the public purposes to be served and the financing or refinancing transaction to be accomplished under the Act;
- (3) specify the maximum principal amount of the bonds that may be issued; and
- (4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

- (1) its finance board (as defined in the Act), by resolution; or
- (2) its chief executive officer (as defined in the Act), by executive order or otherwise; or
- (3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City"), has received a letter of intent dated September 9, 1985 (the "Letter of Intent") from Waverly Apartments & Company, a Maryland general partnership (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$8,000,000 pursuant to and in accordance with the Act.

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"), and the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility, which is known as the "Waverly Apartments," will consist of and include (a) the acquisition of a parcel of land containing approximately 12.9 acres in Northeast Baltimore, which parcel is bounded on the North by East 30th Street, on the

West by Matthews Street, on the South by East 27th Street and on the East by Reese Street and is bisected by Exeter Hall Avenue, (b) the renovation of the existing apartment buildings on such land containing 321 residential rental apartment units, (c) the acquisition, construction, renovation and installation in such buildings and on such land of such machinery and equipment, and any or all other facilities functionally related and subordinate to such apartments, as may be necessary or useful in connection with the operation of the Facility Applicant's business, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. Finally, the Letter of Intent indicates that the Facility Applicant will acquire, develop, own and operate the Facility as a residential rental apartment project.

The City, based upon the findings and determinations and subject to the reservation of certain rights, all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by (a) issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed \$8,000,000 (the "Bonds"), (b) causing the proceeds of the Bonds to be deposited with a corporate trustee (the "Trustee") pursuant to a Trust Indenture (the "Indenture"), (c) making, or causing the Trustee to make, a loan in a principal amount equal to the net proceeds received upon the sale of the Bonds (less the amount, if any, to be deposited into a debt service reserve fund, expense fund or other fund under the Indenture) to either (I) the Facility Applicant or (II) a lender approved by the United States Department of Housing and Urban Development ("HUD") as an approved coinsuring lender under Section 221(d)(4) and other applicable provisions of the National Housing Act (the "Lender"), and (d) if such loan is made to the Lender, by causing the Lender to make a loan to the Facility Applicant in an amount equal to the amount received by the Lender from the Issuer or the Trustee, as applicable. The loan to the Facility Applicant, whether made by the Issuer, the Trustee or the Lender, shall be evidenced by (a) a note (the "Mortgage Note") of the Facility Applicant insured by the Federal Housing Administration (the "FHA") or coinsured by the Lender and FHA, in either case under Section 221(d)(4) of the National Housing Act, and (b) a Loan Agreement among the City, the Trustee, the Facility Applicant and, if applicable, the Lender (a "Loan Agreement").

The Indenture and the Loan Agreement entered into with respect to the Bonds of any series will require that the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and the Loan Agreement and the Mortgage Note of the Facility Applicant evidencing the loan to the Facility Applicant will provide for payments by the Facility Applicant which will be sufficient, together with the moneys held in the funds under the Indenture, to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore.* That the words and terms used in this Resolution (including the Recitals set forth above)

that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

- (1) The City is a "public body" and a "county" within the meaning of the Act.
- (2) The Facility Applicant is a "facility applicant" and a "facility user" within the meaning of the Act.
- (3) The Facility is a "facility" within the meaning of the Act.
- (4) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.
- (5) The Letter of Intent is a "letter of intent" within the meaning of the Act.
- (6) The word "bonds," as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.
- (7) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.
- (8) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City by, among other things, providing and improving rental housing for persons employed and to be employed in such industry and commerce; (d) promoting economic development in the State and in Baltimore City by stimulating the local economy; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City.
- (9) The Bonds of any series and the interest on them are limited obligations of the City the principal of, premium, if any, and interest on which are payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.
- (10) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are

deemed necessary or desirable by the City to ensure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for hereby do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$8,000,000, subject to the provisions of this Resolution. The City will (a) cause the proceeds of the Bonds to be deposited with the Trustee pursuant to the Indenture, and (b) cause the Trustee to make a loan in a principal amount equal to the net proceeds received upon the sale of the Bonds (less the amount, if any, to be deposited into a debt service reserve fund, expense fund or other fund under the Indenture) to either (1) the Facility Applicant or (2) the Lender. If such loan is made to the Lender, the City will cause the Lender to make a loan to the Facility Applicant in an amount equal to the amount received by the Lender from the Issuer or the Trustee, as applicable. The loan to the Facility Applicant shall be evidenced by the Mortgage Note and by the Loan Agreement.

The Indenture and the Loan Agreement entered into with respect to the Bonds of any series will require that the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and the Loan Agreement and the Mortgage Note of the Facility Applicant evidencing the loan to the Facility Applicant will provide for payments by the Facility Applicant which will be sufficient, together with the moneys held in the funds under the Indenture, to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$8,000,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Facility Applicant contemplate that, upon the effectiveness of this Resolution,

the Facility Applicant may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however, that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws and any pending or future federal or State legislation, whether proposed or enacted, which may affect or restrict (by volume limitation or otherwise) the issuance of industrial development bonds, and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(b) of the Code and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, if any present law or any pending, proposed or future legislation limits or would limit (by a volume cap or otherwise) the City's ability to issue tax-exempt industrial development bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, buildings, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal, by his or her manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian or Alternate Custodian of the City Seal by

his or her manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian and Alternate Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), the Indenture, the Loan Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 10 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution, bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 12. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 13. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 9 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is six months from the date on which this Resolution is approved by the Mayor; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefore must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 13 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 14. *And be it further resolved*, That this Resolution shall take effect from the date of its approval by the Mayor of the City.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, Mayor.

Resolution No. 64

(Council No. 1022)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(THE ART LITHO COMPANY PROJECT III)

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue, sell and deliver, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, to be designated "Baltimore City, Maryland Economic Development Revenue Bonds (The Art Litho Company Project III)", in the aggregate principal amount not to exceed \$1,000,000, pursuant to sections 266A to 266-I, inclusive, of article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with one or more of the following (i) the acquisition of a six color sheet planeta variant press to be installed at the borrower's location at 1500 W. Patapsco Avenue, Baltimore, Maryland 21230, (ii) the acquisition and installation of certain other machinery and equipment in Borrower's business at 1500 W. Patapsco Avenue, and (if necessary) the funding of reserves and payment of interest on such bonds, making certain legislative findings; authorizing the loan of the proceeds of the Bonds to The Art Litho Company (The "Borrower"); authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such bonds, to adopt a resolution pursuant to which the Board of Finance shall (A) specify, prescribe, determine, provide for or approve certain details, forms, documents or procedures in connection with the bonds issued hereunder and the loan of the proceeds of such bonds to the borrower and any other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of such revenue bonds, including, but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds and, in the alternative, that the Mayor of the City shall be authorized to approve, by executive order, all matters delegated for approval to the Board of Finance; authorizing the Mayor of the City to accept the Letter of Intent from the Borrower dated August 26, 1985; providing that the authorization for the issuance of bonds hereunder shall be of limited duration and for one six month extension of such authorization; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such bonds.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement) (the "Act") constitutes those provisions of Maryland law authorizing the issuance of industrial develop-

ment revenue bonds by all the counties and municipalities of the State of Maryland (the "State").

The Act empowers the counties and municipalities of the State to issue revenue bonds, bond anticipation notes, notes in the nature of commercial paper and other instruments, certificates or evidences of obligation and to loan the proceeds of the sale of such revenue bonds to a facility applicant (as defined in the Act) to finance the acquisition (as that term is defined in the Act) by such facility applicant of a facility (as that term is defined in Section 266A of the Act). The Act declares it to be its legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and commerce and a balanced economy in the State, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction or abatement of pollution of the environment and the utilization and disposal of wastes (where the proceeds of such bonds are used for such purpose), to promote economic development, to protect natural resources and encourage resource recovery and, generally, to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

The City has received a letter of intent (as contemplated by Section 266A(h) of the Act) dated August 26, 1985 (the "Letter of Intent", from The Art Litho Company, a Maryland corporation and a facility applicant (as defined in the Act), and a facility user (as defined in the Act) (hereinafter referred to as the "Borrower") pursuant to which the Borrower has requested the City to participate in the financing of the acquisition (within the meaning of the Act) by the Borrower of a facility (within the definition of the Act) to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the City of its Baltimore City, Maryland Economic Development Revenue Bonds (The Art Litho Company Project III) (the "Bonds"), in an aggregate principal amount not exceeding \$1,000,000, and by loaning the proceeds of the Bonds to the Borrower upon the term and conditions of one or more loan or other agreements to be entered into between the City and the Borrower (collectively, the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan").

The Facility will consist generally of the following (i) the acquisition and installation of a six color sheet fed planeta variant press at the Borrower's location at 1500 W. Patapsco Avenue, Baltimore, Maryland 21230 and (ii) the acquisition and installation of certain machinery and equipment and other improvements therein as may be necessary or useful in connection with the operation of the Borrower's business.

The City has determined to accept the Letter of Intent, to issue and sell Bonds in an aggregate principal amount not exceeding \$1,000,000 and to lend the proceeds of the Bonds to the Borrower on the terms and conditions to be set forth in the Loan Agreement in order to help finance the acquisition of the Facility by the Borrower.

As security for the Bonds, the City will, for each series of the Bonds, enter into either (a) a Trust Agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board")

or the Mayor of the City (the "Mayor") as provided herein or (b) an Assignment and Security Agreement or Loan and Financing Agreement or other similar Assignment (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser"), and, if appropriate, a trustee or trustees (which may be the Original Purchaser) (collectively, the "Project Fund Trustee"). Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser or other applicable party, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) all security referred to therein, excepting only the rights of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, and (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds.

The Trust Agreement or the Assignment and the Loan Agreement may be combined into one agreement (a "Financing Agreement"). All references to Trust Agreement, Assignment and Loan Agreement herein shall also mean and refer to a Financing Agreement.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore.* That acting pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance of the Bonds by the City pursuant to the Act in order to loan the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the Borrower's acquisition (as that term is used in the Act) of the Facility and to pay the costs of preparing, printing and selling the Bonds, to fund reserves, to pay interests on the Bonds and to pay other costs permitted by the Act, will facilitate and expedite the acquisition of the Facility by the Borrower.

(b) The accomplishment of the transactions contemplated and authorized by this Resolution will (i) sustain jobs and employment opportunities and aid in maintaining employment, thus relieving conditions of unemployment in the State and in the City; (ii) encourage the increase of industry and commerce and a balanced economy in the State and in the City; (iii) promote economic development; and (iv) generally promote the health, welfare and safety of the residents of the State and of the City.

(c) In addition to authorizing the City itself to acquire the Facility and either to lease or to sell such Facility to the Borrower or to otherwise accomplish the financing of the acquisition, the Act also authorizes the financing of the Facility to be accomplished in the form of a loan to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the construction, ownership or administration of the Facility; it permits, however, controls to be imposed on the use of the proceeds of the sale

of the Bonds to insure that the public purposes of the Act and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Facility by a loan of the Bond proceeds to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds.

(d) Neither the Bonds nor the interest thereon shall ever constitute a pledge of, or involve the faith and credit or the taxing power of, the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City and shall be fully negotiable, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, and from any other moneys made available to the City for such purposes. The proceeds of the Bonds will be paid directly to (a) the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or (b) if deemed appropriate by the Board or the Mayor, by the Project Fund Trustee as provided in the Assignment or, (c) if deemed appropriate by the Board or the Mayor, the Borrower. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board or the Mayor. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The loan form of the transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Act are to be achieved by facilitating the acquisition and installation of the Facility by the Borrower.

(e) The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligation of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the revenue bonds as the Board may provide for and approve in a resolution or as the Mayor may approve, (c) revenues from or arising in connection with securities or contracts purchased or otherwise acquired with or in connection with the Bonds and (d) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board or the Mayor may approve.

SEC. 2. *And be it further resolved*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Economic Development Revenue Bonds (The Art Litho Company Project III), in the aggregate principal amount not to exceed \$1,000,000, subject to the provisions of this Resolution.

SEC. 3. *And be it further resolved*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bond (The Art Litho Company Project III)", provided that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution or the Mayor may prescribe (e.g., "1985 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board or the Mayor as provided herein.

SEC. 4. *And be it further resolved*, That the definitive Bonds, which may be engraved, printed or typewritten, including the Trustee's certificate of authentication if any, to be endorsed thereon, shall be in such form, not inconsistent with the Act and the provisions of this Resolution, as the Board or the Mayor may approve.

SEC. 5. *And be it further resolved*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal, by his manual or facsimile signature, as permitted by law. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and, if applicable, the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal by his manual or facsimile signature, as required by law. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board or the Mayor may determine to be necessary to carry out and comply with the provisions hereof.

SEC. 6. *And be it further resolved*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$1,000,000 as the Board or the Mayor shall prescribe.

SEC. 7. *And be it further resolved*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board or the Mayor shall prescribe.

SEC. 8. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt a resolution pursuant to which the Board is hereby authorized to specify, determine, provide for or approve, all or any of the

following matters, details, forms, documents or procedures in connection with the Loan and the Bonds:

(a) The terms and provisions of the Bonds, including, without limitation, the principal amount of the Bonds, the maturity or maturities of the Bonds, the rate or rates of interest the Bonds are to bear and the redemption provisions of the Bonds;

(b) The form and tenor of the Bonds, including the determination as to whether the Bonds shall be issued in one or more series, the form in which the Bonds are issued, and the designation of each series of Bonds;

(c) The terms and provisions and form of the Loan Agreement between the City and the Borrower and the terms and provisions and form of any notes or other evidences of obligation issued by the Borrower pursuant to the Loan Agreement;

(d) The terms and provisions and form of the Assignment or Trust Agreement by which the City assigns and transfers, without recourse, all of its rights, title and interest in and to, and remedies with respect to (except for certain rights to indemnification and to payment of administrative expenses of the City, including any enforcement remedies available to the City with respect thereto) the receipts and revenues of the City from the Loan as set forth in Section 1 hereof;

(e) The determination as to whether the proceeds of the Bonds shall be paid directly to the Borrower or paid to, and disbursed by, a trustee or trustees or agent for the benefit of the holders of the Bonds, if any such agent, trustee or trustees is appointed, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such a capacity or a similar capacity;

(f) The determination as to whether the Loan payments shall be made directly to the holder or holders of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such capacity or a similar capacity;

(g) The determination as to whether the assignment of the receipts and revenues of the City from the Loan should be made directly to the holder of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee, or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution regularly serving in such capacity or a similar capacity;

(h) The form of, and the terms and provision of any mortgage, deed of trust, assignment of leases or security agreement or other security instrument covering the Facility or any portion thereof or any interest therein or any other property as security for the Loan or the Bonds;

(i) The terms and the provisions of any contract, agreement, trust or other instrument (including, without limitation, any guaranty agreement) which it deems necessary or appropriate in connection with the issuance, sale and delivery of the Bonds, the making of the Loan and the acquisition of the Facility;

(j) A determination of the identity of any investment banker, underwriter, placement agents or other broker to be employed by or on behalf of the City in connection with the issuance, sale and delivery of the bonds and the form of any preliminary and final official statement issued in connection with any public offering of the Bonds or any offering memorandum or other official informational document prepared in connection with any private placement of the Bonds;

(k) The determination of the date, time and place when any purchase agreement or proposal shall be submitted for the Bonds, the terms or provisions of any such agreement or proposal and such other matters as the underwriters, investment bankers or other placement agents employed in connection with the issuance of the Bonds may request; and

(l) Such other matters, details, forms, documents or procedures as he may deem appropriate or desirable to the sale, security, issuance, delivery or payment of or for the Bonds for the Loan, including, without limitation, the creation of security for the Bonds and the Loan and provision for the administration of the Bonds, such as trusts or other instruments with banks or trust companies regarding countersignature or delivery of the Bonds or security for the Bonds or the Loan.

SEC. 9. *And be it further resolved*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board or the Mayor, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose.

SEC. 10. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds for the benefit of the Borrower. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the issuance of the Bonds, the Borrower does so at its own risk.

SEC. 11. *And be it further resolved*, That it is hereby found and determined that the best interests of the City will be served by selling the Bonds, at par, at private (negotiated) sale as authorized by the Act, upon the terms and conditions determined by the Board or the Mayor subject to the terms of this Resolution provided, however, that the Bonds may be sold at public (competitive) sale or below or above par (with the consent of the Borrower) if the Board or the Mayor determines that it is in the best interests of the City, to sell the Bonds at a public (competitive) sale or sale above or below par.

SEC. 12. *And be it further resolved*, That, in lieu of a resolution of the Board of Finance, the Mayor of the City is hereby authorized to approve or prescribe, by Executive Order, any matters which the Board is authorized to approve or prescribe pursuant to this Resolution.

SEC. 13. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and state laws in effect at the time of issuance of the Bonds which may restrict the issuance of bonds, and (b) issues its bonds (within the meaning of the Act and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City..

SEC. 14. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council who votes in favor of, or against, the adoption of this Resolution, and the Mayor, by his approval or veto of this Resolution, hereby certifies under penalty of perjury, that the allocation granted to the Borrower by the City Council has not been made in consideration of any gift, gratuity, bribe or direct or indirect contribution to any political campaign.

SEC. 15. *And be it further resolved*, That the City has made the findings set forth, herein, based on the information provided to the City by the Borrower, and the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Borrower within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to assure job opportunities and to provide for a sufficient tax base.

SEC. 16. *And be it further resolved*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition and installation of any portion of the Facility (other than the acquisition and installation of equipment only) to the Department of Housing and Community Development and the Department of Planning for approval, and that the Department of Housing and Community Development and the Department of Planning may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) With respect to such portion of the Facility, the Borrower will work with the design advisory group appointed by the Department of Housing and Community Development and the Department of Planning in order to achieve high quality site, building and landscape design.

SEC. 17. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 18. *And be it further resolved*, That, this Resolution is intended to be, and shall constitute, evidence of the intent of the City to issue and deliver the Bonds authorized hereby in accordance with the terms hereof, provided however, that if no Bonds have been issued pursuant to this Resolution within six months after the effective date of this Resolution or prior to December 31, 1985, whichever first occurs, the authority of the City to issue the Bonds granted hereunder shall end; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Resolution. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 19. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 65

(Council No. 1023)

A RESOLUTION concerning

THE ISSUANCE, SALE AND, IF NECESSARY, INSURANCE BY
THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING
· AUTHORITY OF ITS INTERIM AND PERMANENT LIMITED
OBLIGATION ECONOMIC DEVELOPMENT REVENUE BONDS
PURSUANT TO THE AUTHORITY'S UMBRELLA PROGRAM FOR
THE ACE UNIFORM SERVICES, INC. FACILITY (PROPERTY LOCATED
AT 1700 PARKMAN AVENUE IN BALTIMORE CITY, MARYLAND)

FOR the purpose of approving a plan of financing consisting of the issuance, sale and, if necessary, insurance by the Authority through its bond insurance fund, pursuant to and in accordance with the Maryland Economic Development

Revenue Bond Act and the Maryland Industrial Development Financing Authority Act, of one or more series of its interim limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$510,575, and one or more series of its permanent limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$510,575, in order to provide interim and permanent financing for the acquisition (as defined in such Acts) by Joel J. Finkelstein and Ellen G. Finkelstein, of a certain facility (as defined in such Acts) to consist of and include (a) the acquisition of a parcel of land containing approximately 2.44 acres located at 1700 ~~Parkham~~ PARKMAN Avenue, within the geographical boundaries and jurisdiction of Baltimore City, Maryland, (b) the rehabilitation and renovation of the existing improvements located on such land, which improvements include and consist of a one-story masonry building containing approximately 8,700 square feet, (c) the construction of an addition to such existing improvements containing approximately 5,500 square feet, and (d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, and to be leased by Joel J. Finkelstein and Ellen G. Finkelstein to Ace Uniform Services, Inc., a Maryland corporation, to be used as offices, stockroom, warehouse, ~~serv-~~
~~ing and~~ AND A SEWING, order AND PROCESSING department ~~and process-~~
~~ing~~ in its business of industrial laundry and textile rental services; specifying and describing such facility; generally describing the public purpose to be served by such facility; specifying and describing various matters in connection therewith; and relating generally thereto.

RECITALS

The Maryland Industrial Development Financing Authority Act, as amended (the "MIDFA Act"), provides that in order to accomplish the purposes of the MIDFA Act, the Maryland Industrial Development Financing Authority (the "Authority"), on behalf of the State of Maryland (the "State"), may issue and sell bonds as provided in and in accordance with the Maryland Economic Development Revenue Bond Act (the "Revenue Bond Act"). The MIDFA Act and the Revenue Bond Act are herein sometimes collectively referred to as the "Acts". The MIDFA Act further provides that the Authority may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the methods described in the Revenue Bond Act.

By Resolution adopted on September 23, 1982, the Authority has established, created and approved its Umbrella Program, under which bonds may be issued, sold and insured by the Authority in order to provide funds for the making of permanent loans to enable facility applicants to finance the costs of the acquisition of facilities in the State.

Under the Umbrella Program, the Authority intends, from time to time and at any time, to issue, sell and, if necessary, insure through its bond insurance fund, its interim limited obligation economic development revenue bonds, the proceeds of which may be used by the Authority (a) to make loans to facility applicants, the proceeds of which loans shall be used to pay the costs (which may include the costs of issuance of permanent bonds) of the acquisition of facilities and (b) for such other purposes as may be approved by the Authority in connection with the issuance of ~~the Permanent Bonds~~ PERMANENT BONDS.

Under the Umbrella Program, the Authority also intends, from time to time and at any time, to use its best efforts to issue, sell and, if necessary, insure, through its bond insurance fund, its umbrella bonds, within which, for purposes of marketing and sale, two or more series of its permanent limited obligation economic development revenue bonds may be consolidated, the proceeds of each series of permanent bonds to be used by the Authority for any and all of, the following: (a) to either (i) refinance or refund a corresponding series of its interim bonds, if the acquisition of the facility was financed with the proceeds of a series of interim bonds or (ii) if the acquisition of the facility was not financed with the proceeds of a series of interim bonds, make a loan to a facility applicant, the proceeds of which loan shall be used to pay for, or to reimburse such applicant for the costs (which may include the costs of issuance of permanent bonds) of the acquisition of the facility; (b) to fund certain reserve funds; (c) to make a second loan to such facility applicant, the proceeds of which second loan shall be used to pay such facility applicant's pro-rata share of the costs of the issuance and sale of the issue of umbrella bonds within which such series of permanent bonds is consolidated; and (d) for such other purposes as may be approved by the Authority in connection with the issuance of ~~the Permanent Bonds~~ PERMANENT BONDS.

Section 13-138 of the MIDFA Act provides that prior to the issuance and sale of bonds by the Authority, the legislative body of the county or municipality in which the facility to be financed with the proceeds of the bonds is to be located shall adopt a resolution which SHALL (a) ~~is~~ BE administrative in nature, ~~is~~ not subject to the procedures required for legislative acts and ~~is~~ not subject to referendum, (b) specify and describe the facility, and (c) generally describe the public purpose to be served by the facility.

Joel J. Finkelstein and Ellen G. Finkelstein (collectively, the "Applicant") have requested Mayor and City Council of Baltimore, a "county" within the meaning of the Revenue Bond Act (the "City"), to approve the financing by the Authority of a certain facility located or to be located within the geographical boundaries and jurisdiction of the City and more particularly described in this Resolution (the "Facility").

The City has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of the City that the City approve the financing of the costs of the acquisition of the Facility by the Authority by approving a plan of financing for the Facility, consisting of the issuance and sale pursuant to the Acts and, if necessary, insurance by the Authority, through its bond insurance fund, pursuant to the MIDFA Act, of one or more series of its interim limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$510,575 and one or more series of its permanent limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$510,575.

NOW, THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE ACTS:

SECTION. 1. *Be it resolved by Mayor and City Council of Baltimore.* That all words and terms used in this Resolution (including the Recitals set forth above) that are defined or used in the Acts shall have the meanings indicated in the Acts, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That in accordance with Section 13-138(e)(2) of the MIDFA Act, the Facility consists of and includes:

(a) the acquisition of a parcel of land containing approximately 2.44 acres located at 1700 Parkman Avenue, in Baltimore City, Maryland, together with any and all improvements existing thereon,

(b) the rehabilitation and renovation of the existing improvements located on such land, which improvements include and consist of, a one-story masonry building containing approximately 8,700 square feet,

(c) the construction ~~on such land of a building or other~~ OF AN ADDITION TO SUCH EXISTING improvements containing approximately 5,500 square feet,

(d) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities.

The Applicant will lease the Facility to Ace Uniform Services, Inc., a Maryland corporation, to be used as offices, stockroom, warehouse, ~~serving and~~ AND A SEWING, order AND PROCESSING department ~~and processing~~, in its business of industrial laundry and textile rental services.

SEC. 3. *And be it further resolved*, That it is hereby found and determined that the Facility and the financial assistance to be provided by the Authority as provided in this Resolution, will fulfill, accomplish and promote the declared public purposes of the Acts, which are to (a) relieve conditions of unemployment in the State; (b) encourage the increase of industry and commerce and a balanced economy in the State; (c) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State, through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes; (d) promote economic development; and (e) generally promote the health, welfare, and safety of the residents of each of the municipalities of the State. Specifically, it is hereby found and determined that the acquisition of the Facility will assist in the consolidation of the applicant's business operation to encourage efficiency and expansion. Accordingly, it is in the interest of the public welfare and purpose of the citizens of the State and of the City that the City approve the financing by the Authority of the costs of the acquisition of the Facility within the geographical boundaries and jurisdiction of the City.

SEC. 4. *And be it further resolved*, That the City hereby approves a plan of financing for the acquisition of the Facility, which plan of financing may consist of and include any one or more of the following:

(a) the issuance, sale and, if necessary, insurance by the Authority through its bond insurance fund, at any time and from time to time, of one or more series of its interim limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$510,575 (the "Interim Bonds"), the proceeds of any series of which may be used by the Authority (i) to make a loan to the Applicant, the proceeds of which loan shall be used to pay the costs (which may include the costs of issuance of permanent bonds) of the acquisition of the Facili-

ty, and (ii) for such other purposes as may be approved by the Authority in connection with the issuance of ~~the Permanent Bonds~~ PERMANENT BONDS;

(b) the acquisition of the Facility by the Applicant with funds other than the proceeds of interim economic development revenue bonds issued by the Authority; and

(c) the issuance, sale and, if necessary, insurance by the Authority through its bond insurance fund, at any time and from time to time, of one or more series of its permanent limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$510,575 (the "Permanent Bonds"; the Interim Bonds and the Permanent Bonds being herein sometimes collectively referred to as the "Bonds"), the proceeds of any series of which may be used by the Authority for any and all of the following: (i) to either (A) refinance or refund a corresponding series of Interim Bonds, if the acquisition of the Facility was financed with the proceeds of one or more series of the Interim Bonds, or (B) if the acquisition of the Facility was not financed with the proceeds of one or more series of the Interim Bonds, make a loan to the Applicant, the proceeds of which loan shall be used to pay for, or to reimburse the Applicant for, the costs (which may include the costs of issuance of the Permanent Bonds) of the acquisition of the Facility; (ii) to fund certain reserve funds; and (iii) to make a second loan to the Applicant, the proceeds of which second loan shall be used to pay the Applicant's pro-rata share of the costs of the issuance and sale of the issue of umbrella bonds within which such series of the Permanent Bonds is consolidated.

SEC. 5. *And be it further resolved*, That (a) except for the Authority's insurance of the Bonds (if necessary), the Bonds and the interest thereon will be limited obligations of the Authority, payable solely from revenues or moneys to be received by the Authority in connection with the financing of the acquisition of the Facility or from any other funds provided therefor, (b) the Bonds will not constitute an indebtedness to which the faith and credit of the State, the Department of Economic and Community Development of the State (the "Department"), the Authority, the City or any other public body is pledged, and (c) neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the State, the Department, the Authority, the City, or any other public body and neither shall ever constitute or give rise to any pecuniary liability of the State, the Department, the Authority, the City or any other public body.

SEC. 6. *And be it further resolved*, That the Bonds shall be authorized, issued, sold and delivered without direct or indirect cost to the City, and to that end, the Borrower shall pay all necessary expenses of preparing, printing, selling and issuing the Bonds and all other costs contemplated and permitted by the Acts, including (without limitation) any and all costs, fees and expenses (including, without limitation, any attorneys' fees) incurred by or on behalf of the City in connection with this Resolution or the publication of notices of any public hearings to be held in connection herewith, whether or not the proposed financing is consummated.

SEC. 7. *And be it further resolved*, That the passage of this Resolution shall not in any way indicate the approval of, or constitute any commitment for approval

by, the City or any of its officers or employees of, any license, permit, application or any other request to the City with respect to the acquisition and operation of the Facility.

SEC. 8. *And be it further resolved*, That no further action by the City is necessary to effect the financing of the acquisition of the Facility by the Authority or the completion of the transactions contemplated in this Resolution, including, without limitation, the issuance and sale of the Bonds.

SEC. 9. *And be it further resolved*, That in accordance with Section 13-138(e) of the MIDFA Act, this Resolution is administrative in nature, not subject to the procedures required for legislative acts and not subject to referendum.

SEC. 10. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 66

(Council No. 1024)

A RESOLUTION concerning

THE ISSUANCE, SALE AND, IF NECESSARY, INSURANCE BY
THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING
AUTHORITY OF ITS INTERIM AND PERMANENT LIMITED
OBLIGATION ECONOMIC DEVELOPMENT REVENUE BONDS
PURSUANT TO THE AUTHORITY'S UMBRELLA PROGRAM FOR
THE BSI TEMPORARIES, INC. FACILITY (PROPERTY LOCATED
AT 1137-1147 SOUTH HANOVER STREET IN BALTIMORE CITY,
MARYLAND)

FOR the purpose of approving a plan of financing consisting of the issuance, sale and, if necessary, insurance by the Authority through its bond insurance fund, pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act and the Maryland Industrial Development Financing Authority Act, of one or more series of its interim limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$607,438, and one or more series of its permanent limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$607,438, in order to provide interim and permanent financing for the acquisition (as defined in such Acts) by Richardson Partnership, a Maryland general partnership, of a certain facility (as defined in such Acts) to consist of and include (a) the acquisition of a parcel of land containing approximately 7,252 square feet located at 1137-1147 South Hanover Street, within the geographical boundaries and jurisdiction of Baltimore City, Maryland, together with any and all improvements existing thereon, (b) the construction

on such land of a two-story building or other improvements containing approximately 10,316 square feet, and (c) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, located or to be located at 1137-1147 South Hanover Street, and to be leased by Richardson Partnership to BSI Temporaries, Inc., a Maryland corporation, to be used by BSI Temporaries, Inc. as a corporate headquarters, storage space, office space and training facility in its business as a clerical and light industrial temporary help service; specifying and describing such facility; generally describing the public purpose to be served by such facility; specifying and describing various matters in connection therewith; and relating generally thereto.

RECITALS

The Maryland Industrial Development Financing Authority Act, as amended (the "MIDFA Act"), provides that in order to accomplish the purposes of the MIDFA Act, the Maryland Industrial Development Financing Authority (the "Authority"), on behalf of the State of Maryland (the "State"), may issue and sell bonds as provided in and in accordance with the Maryland Economic Development Revenue Bond Act (the "Revenue Bond Act"). The MIDFA Act and the Revenue Bond Act are herein sometimes collectively referred to as the "Acts". The MIDFA Act further provides that the Authority may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the methods described in the Revenue Bond Act.

By Resolution adopted on September 23, 1982, the Authority has established, created and approved its Umbrella Program, under which bonds may be issued, sold and insured by the Authority in order to provide funds for the making of permanent loans to enable facility applicants to finance the costs of the acquisition of facilities in the State.

Under the Umbrella Program, the Authority intends, from time to time and at any time, to issue, sell and, if necessary, insure through its bond insurance fund, its interim limited obligation economic development revenue bonds, the proceeds of which may be used by the Authority (a) to make loans to facility applicants, the proceeds of which loans shall be used to pay the costs (which may include the costs of issuance of permanent bonds) of the acquisition of facilities and (b) for such other purposes as may be approved by the Authority in connection with the issuance of ~~the Permanent Bonds~~ PERMANENT BONDS.

Under the Umbrella Program, the Authority also intends, from time to time and at any time, to use its best efforts to issue, sell and, if necessary, insure, through its bond insurance fund, its umbrella bonds, within which, for purposes of marketing and sale, two or more series of its permanent limited obligation economic development revenue bonds may be consolidated, the proceeds of each series of permanent bonds to be used by the Authority for any and all of the following: (a) to either (i) refinance or refund a corresponding series of its interim bonds, if the acquisition of the facility was financed with the proceeds of a series of interim bonds or (ii) if the acquisition of the facility was not financed with the proceeds of a series of interim bonds, make a loan to a facility applicant, the proceeds of which loan shall be used to pay for, or to reimburse such applicant for

the costs (which may include the costs of issuance of permanent bonds) of the acquisition of the facility; (b) to fund certain reserve funds; (c) to make a second loan to such facility applicant, the proceeds of which second loan shall be used to pay such facility applicant's pro-rata share of the costs of the issuance and sale of the issue of umbrella bonds within which such series of permanent bonds is consolidated; and (d) for such other purposes as may be approved by the Authority in connection with the issuance of ~~the Permanent Bonds~~ PERMANENT BONDS.

Section 13-138 of the MIDFA Act provides that prior to the issuance and sale of bonds by the Authority, the legislative body of the county or municipality in which the facility to be financed with the proceeds of the bonds is to be located shall adopt a resolution which (a) is administrative in nature, is not subject to the procedures required for legislative acts and is not subject to referendum, (b) ~~specify~~ SPECIFIES and ~~describe~~ DESCRIBES the facility, and (c) generally ~~describe~~ DESCRIBES the public purpose to be served by the facility.

Richardson Partnership, a Maryland general partnership (the "Applicant"), has requested Mayor and City Council of Baltimore, a "county" within the meaning of the Revenue Bond Act (the "City"), to approve the financing by the Authority of a certain facility located or to be located within the geographical boundaries and jurisdiction of the City and more particularly described in this Resolution (the "Facility").

The City has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of the City that the City approve the financing of the costs of the acquisition of the Facility by the Authority by approving a plan of financing for the Facility, consisting of the issuance and sale pursuant to the Acts and, if necessary, insurance by the Authority, through its bond insurance fund, pursuant to the MIDFA Act, of one or more series of its interim limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$607,438 and one or more series of its permanent limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$607,438.

NOW, THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE ACTS:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That all words and terms used in this Resolution (including the Recitals set forth above) that are defined or used in the Acts shall have the meanings indicated in the Acts, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That in accordance with Section 13-138(e)(2) of the MIDFA Act, the Facility consists of and includes:

(a) the acquisition of a parcel of land containing approximately 7,252 square feet located at 1137-1147 South Hanover Street, in Baltimore City, Maryland, together with any and all improvements existing thereon,

(b) the construction on such land of a two-story building or other improvements containing approximately 10,316 square feet,

(c) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities.

The Applicant will lease the Facility to BSI Temporaries, Inc., a Maryland corporation, for use as a corporate headquarters, storage space, office space and training facility, in its business as a clerical and light industrial temporary help service.

SEC. 3. *And be it further resolved*, That it is hereby found and determined that the Facility and the financial assistance to be provided by the Authority as provided in this Resolution, will fulfill, accomplish and promote the declared public purposes of the Acts, which are to (a) relieve conditions of unemployment in the State; (b) encourage the increase of industry and commerce and a balanced economy in the State; (c) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State, through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes; (d) promote economic development; and (e) generally promote the health, welfare, and safety of the residents of each of the municipalities of the State. Specifically, it is hereby found and determined that the acquisition of the Facility will develop a vacant piece of property in Baltimore City, Maryland thereby adding value to the land and increasing tax revenue and will assist in the expansion and consolidation of the business operation to encourage efficiency. Accordingly, it is in the interest of the public welfare and purpose of the citizens of the State and of the City that the City approve the financing by the Authority of the costs of the acquisition of the Facility within the geographical boundaries and jurisdiction of the City.

SEC. 4. *And be it further resolved*, That the City hereby approves a plan of financing for the acquisition of the Facility, which plan of financing may consist of and include any one or more of the following:

(a) the issuance, sale and, if necessary, insurance by the Authority through its bond insurance fund, at any time and from time to time, of one or more series of its interim limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$607,438 (the "Interim Bonds"), the proceeds of any series of which may be used by the Authority (i) to make a loan to the Applicant, the proceeds of which loan shall be used to pay the costs (which may include the costs of issuance of permanent bonds) of the acquisition of the Facility and (ii) for such other purposes as may be approved in connection with the issuance of the Permanent Bonds PERMANENT BONDS;

(b) the acquisition of the Facility by the Applicant with funds other than the proceeds of interim economic development revenue bonds issued by the Authority; and

(c) the issuance, sale and, if necessary, insurance by the Authority through its bond insurance fund, at any time and from time to time, of one or more series of its permanent limited obligation economic development revenue bonds in an aggregate principal amount not to exceed \$607,438 (the "Permanent Bonds"); the Interim Bonds and the Permanent Bonds being herein sometimes collectively

referred to as the "Bonds"), the proceeds of any series of which may be used by the Authority for any and all of the following: (i) to either (A) refinance or refund a corresponding series of Interim Bonds, if the acquisition of the Facility was financed with the proceeds of one or more series of the Interim Bonds, or (B) if the acquisition of the Facility was not financed with the proceeds of one or more series of the Interim Bonds, make a loan to the Applicant, the proceeds of which loan shall be used to pay for, or to reimburse the Applicant for, the costs (which may include the costs of issuance of the Permanent Bonds) of the acquisition of the Facility; (ii) to fund certain reserve funds; and (iii) to make a second loan to the Applicant, the proceeds of which second loan shall be used to pay the Applicant's pro-rata share of the costs of the issuance and sale of the issue of umbrella bonds within which such series of the Permanent Bonds is consolidated.

SEC. 5. *And be it further resolved*, That (a) except for the Authority's insurance of the Bonds (if necessary), the Bonds and the interest thereon will be limited obligations of the Authority, payable solely from revenues or moneys to be received by the Authority in connection with the financing of the acquisition of the Facility or from any other funds provided therefor, (b) the Bonds will not constitute an indebtedness to which the faith and credit of the State, the Department of Economic and Community Development of the State (the "Department"), the Authority, the City or any other public body is pledged, and (c) neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the State, the Department, the Authority, the City, or any other public body and neither shall ever constitute or give rise to any pecuniary liability of the State, the Department, the Authority, the City or any other public body.

SEC. 6. *And be it further resolved*, That the Bonds shall be authorized, issued, sold and delivered without direct or indirect cost to the City, and to that end, the Borrower shall pay all necessary expenses of preparing, printing, selling and issuing the Bonds and all other costs contemplated and permitted by the Acts, including (without limitation) any and all costs, fees and expenses (including, without limitation, any attorneys' fees) incurred by or on behalf of the City in connection with this Resolution or the publication of notices of any public hearings to be held in connection herewith, whether or not the proposed financing is consummated.

SEC. 7. *And be it further resolved*, That the passage of this Resolution shall not in any way indicate the approval of, or constitute any commitment for approval by, the City or any of its officers or employees of, any license, permit, application or any other request to the City with respect to the acquisition and operation of the Facility.

SEC. 8. *And be it further resolved*, That no further action by the City is necessary to effect the financing of the acquisition of the Facility by the Authority or the completion of the transactions contemplated in this Resolution, including, without limitation, the issuance and sale of the Bonds.

SEC. 9. *And be it further resolved*, That in accordance with Section 13-138(e) of the MIDFA Act, this Resolution is administrative in nature, not subject to the procedures required for legislative acts and not subject to referendum.

Sec. 10. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved November 21, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 67

(Council No. 1028)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(H. & K. EQUIPMENT CO. INC. FACILITY)

FOR the purpose of (a) supplementing and amending Resolution No. 27 of Mayor and City Council of Baltimore approved by the Mayor on June 26, 1985, to (1) decrease from \$2,000,000 to \$1,300,000, the aggregate principal amount of the economic development revenue bonds authorized to be issued and sold by Mayor and City Council of Baltimore pursuant to Resolution No. 27 and the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended, (2) amend the description and location of the facility to be acquired by Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty, a Maryland general partnership, to provide that such facility shall consist of the grading and construction of a 50,000-55,000 square foot warehouse on the real property owned by Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty located at 6301 and 6201 Pulaski Highway in Baltimore City, and the razing and grading of part of the existing 22,000-25,000 square foot warehouse building thereon to accomodate such construction, such new warehouse to be leased to H. & K. Equipment Co. Inc., a Maryland corporation for use in a portion of its business of public warehousing and (3) correct certain typographical errors in the name of the Facility Applicant and in the statutory references to the Maryland Economic Development Revenue Bond Act, as specified in Resolution No. 27, all to accomplish the legislative purpose of the Maryland Economic Development Revenue Bond Act, including the relief of conditions of unemployment in Baltimore City and in the State of Maryland, encouraging the increase of industry and commerce and a balanced economy in Baltimore City and the State of Maryland and promoting economic development in, and the health, welfare and safety of residents of, Baltimore City and the State of Maryland and (b) authorizing the Mayor of the City, on behalf of the City, to accept a supplemental letter of intent dated October 15, 1985 from Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty and from H. & K. Equipment Co., Inc. to the City.

BY repealing and re-enacting, with amendments, the Purpose Clause of Resolution No. 27 of Mayor and City Council of Baltimore, approved by the Mayor on June 26, 1985.

BY repealing and re-enacting, with amendments, the Recitals of Resolution No. 27 of Mayor and City Council of Baltimore, approved by the Mayor on June 26, 1985.

BY repealing and re-enacting, with amendments, Sections 3 and 4 of Resolution No. 27 of Mayor and City Council of Baltimore, approved by the Mayor on June 26, 1985.

RECITALS

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has adopted Resolution No. 27 of the City, approved by the Mayor on June 26, 1985, authorizing and empowering the City pursuant to the Maryland Economic Revenue Bond Act, Sections 266A to 266-I of Article 41 of the Annotated Code of Maryland, as amended (the "Act"), to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing powers, its economic development revenue bonds in the aggregate principal amount not to exceed \$2,000,000 (the "Bonds"), and to make the proceeds of the Bonds available to Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty, a Maryland general partnership (the "Facility Applicant") to acquire a certain facility (the "Facility") consisting of (a) the grading and construction of a 100,000 square foot warehouse on land already owned by the Facility Applicant and located at 6301 Pulaski Highway, and (b) the razing and grading of the existing 22,000-25,000 square foot public warehouse building on such land in order to accommodate such construction, such new warehouse to be leased to H. & K. Equipment Co. Inc., a Maryland corporation (the "Facility User"), for use in a portion of its business of public warehousing.

The City has received a supplemental letter of intent dated October 15, 1985 (the "Supplemental Letter of Intent") from the Facility Applicant and the Facility User supplementing and amending the letter of intent to the City dated May 17, 1985 (the "Letter of Intent") and described in Resolution No. 27.

Pursuant to the Supplemental Letter of Intent, the Facility Applicant and the Facility User have requested the City to supplement and amend Resolution No. 27 to (a) decrease from \$2,000,000 to \$1,300,000 the amount of the Bonds specified in the Purpose Clause, the Recitals and Section 3 of Resolution No. 27, authorized to be issued and sold by the City, (b) amend the description and location of the Facility in the Purpose Clause and the Recitals of Resolution No. 27 to consist of and include (i) the grading and construction of a 50,000-55,000 square foot warehouse on the real property owned by the Facility Applicant at 6301 and 6201 Pulaski Highway in Baltimore City and (ii) the razing and grading of part of the existing 22,000-25,000 square foot warehouse building thereon to accommodate such construction, and (c) correct certain typographical errors in (i) the name of the Facility Applicant in the Purpose Clause of Resolution No. 27 and (ii) the statutory reference to the Act in the Purpose Clause of Resolution No. 27.

The City has determined, based on the findings and determinations set forth below, that the issuance and sale of the Bonds by the City pursuant to the Act,

and the acquisition of the Facility, will promote the declared legislative purposes of the Act, and therefore, it is in the best interests of the citizens of Baltimore City, Maryland that Resolution No. 27 be supplemented and amended as provided herein.

NOW, THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore, That it is hereby found and determined as follows:*

(1) The issuance and sale of the Bonds by the City pursuant to Resolution No. 27, as amended by this Resolution, for the sole and exclusive purpose of financing the costs of the acquisition of the Facility will facilitate and expedite the acquisition and completion of the Facility by the Facility Applicant.

(2) The acquisition and completion of the Facility by the Facility Applicant pursuant to and in accordance with the provisions of Resolution No. 27, as amended by this Resolution, will serve further to accomplish the legislative policy contemplated by the Act by (a) sustaining jobs and employment in Baltimore City and the State of Maryland, (b) promoting economic development in Baltimore City and the State of Maryland, and (c) encouraging the increase of industry and a balanced economy in Baltimore City and the State of Maryland.

SEC. 2. *And be it further resolved, That the Purpose Clause of Resolution No. 27 is hereby repealed, amended, and re-enacted as follows:*

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed [\$2,000,000] \$1,300,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty, a Maryland general partnership, of a certain facility in Baltimore City consisting of the grading and construction of a [100,000] 50,000-55,000 square foot warehouse on the real property owned by Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty [Co.] located at 6301 and 6201 Pulaski Highway in Baltimore City, and the razing and grading of part of the existing 22,000-25,000 square foot warehouse building thereon to accommodate such construction, such new warehouse to be leased to H. & K. Equipment Co. Inc., a Maryland corporation, for use in a portion of its business of public warehousing; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated May 17, 1985 and the supplemental letter of intent dated October 15, 1985 from Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provided for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Harry E. and

Kenneth K. Zechman, t/a Pulaski Highway Realty shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

SEC. 3. *And be it further resolved*, That the Recitals of Resolution No. 27 are hereby repealed, amended and re-enacted as follows:

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (the "Act"), provides that in order to accomplish the legislative policy of the Act, in addition to whatever other powers it may have and notwithstanding any limitation of law, any public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares its legislative purpose to:

- (1) relieve conditions of unemployment in the State;
- (2) encourage the increase of industry and commerce and a balanced economy in the State;
- (3) assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) promote economic development;
- (5) protect natural resources and encourage resource recovery; and
- (6) generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the following methods:

(1) by leasing them to one or more facility users under a lease (as defined in the Act);

(2) by selling them to one or more facility users under a sale agreement (as defined in the Act);

(3) by lending proceeds of the sale of bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or

(4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

(1) specify and describe the facility or facilities;

(2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;

(3) specify the maximum principal amount of the bonds that may be issued; and

(4) impose any terms or conditions on the issuance and sale of the bonds it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

(1) its finance board (as defined in the Act), by resolution; or

(2) its chief executive officer (as defined in the Act), by executive order or otherwise; or

(3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provisions for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated May 17, 1985 (the "Letter of Intent") from Harry E. and Kenneth K. Zechman, t/a Pulaski Highway Realty, a Maryland general partnership (the "Facility Applicant"), and H. & K. Equipment Co. Inc., a Maryland corporation (the "Facility User"), *as amended by a supplemental letter of intent from the*

Facility Applicant and the Facility User dated October 15, 1895 (the "Supplemental Letter of Intent"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility in Baltimore City, Maryland (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed [\$2,000,000] \$1,300,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgment by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent, *as amended by the Supplemental Letter of Intent*, indicates that the acquisition of the Facility will consist of and include (a) the grading and construction of a [100,000] 50,000-55,000 square foot warehouse on land already owned by the Facility Applicant and located at 6301 and 6201 Pulaski Highway, and (b) the razing and grading of *part of* the existing 22,000-25,000 square foot public warehouse building on such land in order to accommodate such construction. Upon completion, the Facility will be owned by the Facility Applicant and leased to the Facility User, for use by the Facility User as a public warehouse in a portion of its business of public warehousing.

The City, based upon the findings and determinations and subject to the reservation of certain rights all as set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by issuing, selling and delivering, at any time or from time to time and in one or more series, its bonds in an aggregate principal amount not to exceed [\$2,000,000] \$1,300,000 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the Public Body and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility to the Facility Applicant upon the terms and conditions of one or more sales agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

SEC. 4. *And be it further resolved*, That Section 3 of Resolution No. 27 is hereby repealed, amended and re-enacted as follows:

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed [\$2,000,000] \$1,300,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is [\$2,000,000] \$1,300,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 5. *And be it further resolved*, That Section 4 of Resolution No. 27 is hereby repealed, amended and re-enacted as follows:

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent *and the Supplemental Letter of Intent* on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 6. *And be it further resolved*, That this Resolution shall take effect on the date of its adoption.

Approved November 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 68

(Council No. 1045)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
(SCHNEIDEREITH & SONS, INC. FACILITY)

FOR the purpose of providing for the issuance and sale by Mayor and City Council of Baltimore, as its limited obligations and not upon its full faith and credit or pledge of its taxing powers, of one or more series of its economic development revenue bonds, in an aggregate principal amount not to exceed \$950,000, pursuant to and in accordance with the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland, as amended, for the sole and exclusive purpose of financing the costs of the acquisition by Schneidereith & Sons, Inc., a Maryland corporation, of a certain facility consisting of the acquisition of a six-color printing press to be located at 2905 Whittington Avenue, Baltimore City, Maryland and to be used by Schneidereith & Sons, Inc. in its business of commercial and financial printing; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated September 30, 1985 from Schneidereith & Sons, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such bonds; authorizing the Mayor of the City to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures ap-

propriate to the authorization, sale, security, issuance, delivery, or payment of or for such bonds; providing that Schneidereith & Sons, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; providing that such bonds (or bond anticipation notes issued in anticipation of the issuance of such bonds) must be issued and sold on or before the date which is the earlier of (i) six months from the date this Resolution is approved by the Mayor or (ii) December 31, 1985, unless the Board of Finance of the City approves one six month extension as provided in this Resolution; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

The Maryland Economic Development Bond Act, Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland, as amended (the "Act"), provides that in order to accomplish the legislative purposes of the Act, in addition to whatever other powers it may have and notwithstanding any other limitation of law, any "public body" (as defined in the Act) may issue and sell its "bonds" (as defined in the Act), as its limited obligations and not upon its faith and credit or pledge of its taxing power, at any time and from time to time, for the purposes of financing or refinancing any costs of the "acquisition" (as defined in the Act) of one or more "facilities" (as defined in the Act) for one or more "facility users" (as defined in the Act) or of refunding outstanding bonds, including the necessary expenses of preparing, printing, selling, and issuing those bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable.

The General Assembly of the State of Maryland (the "State"), in the Act, declares the legislative purposes of the Act to be:

- (1) the relief of conditions of unemployment in the State of Maryland;
- (2) the encouragement of an increase of industry and commerce and a balanced economy in the State;
- (3) the retention of existing industry and commerce and the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction, or abatement of pollution of the environment and the utilization and disposal of wastes;
- (4) the promotion of economic development;
- (5) the protection of natural resources and encouragement of resource recovery; and
- (6) the general promotion of the health, welfare, and safety of the residents of the State and each of the counties and municipalities of the State.

The Act provides that a public body may accomplish the acquisition of one or more facilities from the proceeds of the sale of the bonds by one or more of the following methods:

(1) by leasing them to one or more facility users under a lease (as defined in the Act);

(2) by selling them to one or more facility users under a sale agreement (as defined in the Act);

(3) by lending the proceeds of the sale of the bonds to one or more facility users under a loan agreement (as defined in the Act) to be used to finance or refinance one or more facilities; or

(4) in such other manner as the public body deems appropriate to accomplish the purposes of the Act.

The Act provides that to implement the authority conferred upon it by the Act to issue bonds, the legislative body of any county (as defined in the Act) or municipality (as defined in the Act), or the board of directors of any authority (as defined in the Act), may adopt a resolution pursuant to which it shall:

(1) specify and describe the facility or facilities;

(2) generally describe the public purpose to be served and the financing or refinancing transaction to be accomplished under the Act;

(3) specify the maximum principal amount of the bonds that may be issued; and

(4) impose such terms or conditions on the issuance and sale of the bonds as it deems appropriate.

The Act provides that the legislative body of any county or municipality, or the board of directors of any authority, by resolution may itself specify and prescribe, or may authorize:

(1) its finance board (as defined in the Act), by resolution; or

(2) its chief executive officer (as defined in the Act), by executive order or otherwise; or

(3) any other appropriate administrative officer, by order or otherwise with the approval of its chief executive officer, to specify, prescribe, determine, provide for or approve such matters, details, forms, documents, or procedures as the legislative body or board of directors deems appropriate to the authorization, sale, security, issuance, delivery or payment of or for the bonds, including, without limitation, creation of security for the bonds and provision for the administration of bond issues such as trust or other agreements with banks or trust companies regarding any countersignature or delivery of bonds or security for bonds.

Mayor and City Council of Baltimore, a body politic and corporate and a political subdivision of the State of Maryland (the "City") has received a letter of intent dated September 30, 1985 (the "Letter of Intent") from Schneidereith &

Sons, Inc., a Maryland corporation (the "Facility Applicant"), pursuant to which the Facility Applicant has requested the City to participate in the financing of the costs of the acquisition by the Facility Applicant of a certain facility (the "Facility"), by issuing and selling the City's economic development revenue bonds in the aggregate principal amount not to exceed \$950,000 pursuant to and in accordance with the Act.

The Letter of Intent expresses the Facility Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the City's Private Activity Bonds (hereinafter defined).

The Letter of Intent further expresses the Facility Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Facility Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of "private activity bonds" (as defined therein) ("Private Activity Bonds") which may be issued by any state, its agencies and political subdivisions. The Facility Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the City's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Borrower that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Letter of Intent indicates that the acquisition of the Facility will consist of the acquisition of a six-color printing press to be located at 2905 Whittington Avenue, Baltimore City, Maryland and to be used by the Facility Applicant in its business of commercial and financial printing. Upon completion, the Facility will be owned by the Facility Applicant for use by the Facility Applicant in its business of commercial and financial printing.

The City, based upon the findings and determinations and subject to the reservation of certain rights set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale and delivery, at any time or from time to time and in one or more series, of its "bonds" (as defined in the Act) in an aggregate principal amount not to exceed \$950,000.00 (the "Bonds"), and, at the election of the Facility Applicant, by either:

(1) lending the proceeds of the Bonds of any series to the Facility Applicant upon the terms and conditions of one or more loan agreements to be entered into between the Public Body and the Facility Applicant (a "Loan Agreement"), such proceeds to be used by the Facility Applicant solely to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) leasing the Facility to the Facility Applicant upon the terms and conditions of one or more leases to be entered into between the City and the Facility Applicant (a "Lease"), or (b) selling the Facility

to the Facility Applicant upon the terms and conditions of one or more sale agreements to be entered into between the City and the Facility Applicant (a "Sale Agreement").

Any Loan Agreement or Lease or Sale Agreement, as applicable, depending upon the form of transaction with which the Facility Applicant elects to proceed with respect to the Bonds of any series, is herein sometimes referred to as a "Financing Agreement".

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by the Mayor and City Council of Baltimore*, That the words and terms used in this Resolution (including the Recitals set forth above) that are defined in the Act shall have the meanings indicated in the Act, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) The City is a "public body" and a "municipality" within the meaning of the Act.

(2) The Facility Applicant is a "facility applicant" within the meaning of the Act.

(3) The Facility User is a "facility user" within the meaning of the Act.

(4) The Facility is a "facility" within the meaning of the Act.

(5) The Mayor of the City is the "chief executive officer" of the City within the meaning of the Act.

(6) The Letter of Intent, as amended, is a "letter of intent" within the meaning of the Act.

(7) The word "bonds", as defined in the Act, includes bond anticipation notes issued in anticipation of the issuance and sale of bonds.

(8) The issuance and sale of the Bonds by the City, pursuant to the Act, for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility will facilitate and expedite the acquisition of the Facility.

(9) The acquisition of the Facility and the financing thereof as provided in this Resolution will promote the declared legislative purposes of the Act by (a) sustaining jobs and employment by the creation or retention of a significant number of jobs, thus relieving conditions of unemployment in the State and in Baltimore City; (b) encouraging the increase of industry and commerce and a balanced economy in the State and in Baltimore City; (c) assisting in retention of existing industry and commerce and in the attraction of new industry and commerce in the State and in Baltimore City; (d) promoting economic development; and (e) generally promoting the health, welfare and safety of the residents of the State and Baltimore City. Specifically, as indicated in the Letter of Intent, the acquisition of the Facility will permit increased employment by the Facility Applicant and the retention of printing business for Baltimore City.

(10) Based on information provided to the City by the Facility Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility Applicant within Baltimore City, Maryland, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

(11) The Bonds of any series and the interest on them shall be limited obligations of the City the principal of, premium, if any, and interest on which shall be payable solely (except for bond anticipation notes) from revenues to be received in connection with the financing of the Facility and from any other moneys made available to the City for such purpose. Neither the Bonds of any series nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(12) Neither the proceeds of the Bonds of any series nor the payments of the principal of and premium, if any, and interest on the Bonds of any series will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds of any series are used to accomplish the public purposes of the Act and this Resolution. The transactions authorized in this Resolution do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

SEC. 3. *And be it further resolved*, That the City issue, sell and deliver the Bonds, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit or pledge of its taxing power, in the aggregate principal amount not to exceed \$950,000, subject to the provisions of this Resolution. The City, at the election of the Facility Applicant, will either:

(1) lend the proceeds of the Bonds of any series to the Facility Applicant pursuant to the terms and provisions of a Loan Agreement, to be used by the Facility Applicant for the sole and exclusive purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility; or

(2) use the proceeds of the Bonds of any series for the purpose of financing the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and, at the election of the Facility Applicant, either (a) lease the Facility to the Facility Applicant pursuant to the terms and provisions of a Lease, or (b) sell the Facility to the Facility Applicant pursuant to the terms and provisions of a Sale Agreement.

Any Financing Agreement entered into with respect to the Bonds of any series will require that (1) the proceeds of the Bonds of such series be used solely to

finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility, and (2) the Facility Applicant make payments which will be sufficient to enable the City to pay the principal of and interest and premium, if any, on the Bonds of such series when and as the same become due and payable.

The Facility is specified and described in the Recitals set forth above. The public purpose to be served by the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility is described in Section 2 of this Resolution, and the financing transaction is described in this Section and in the Recitals set forth above. The maximum principal amount of the Bonds that may be issued is \$950,000, provided that bond anticipation notes may be issued and sold as provided in Section 9 of this Resolution.

SEC. 4. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds, and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Facility Applicant proceeds with the acquisition of the Facility prior to the effective date of the executive order (or similar action by the Mayor of the City), as described in Section 11 below, the Facility Applicant does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its industrial development bonds (within the meaning of the Act, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue such bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 5, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 6. *And be it further resolved*, That the Facility Applicant shall agree that

(a) it will submit any plans and specifications for the Facility to the Neighborhood Progress Administration/DHCD for approval, and that the Neighborhood Progress Administration/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by the Neighborhood Progress Administration/DHCD in order to achieve high quality site, building, and landscape design.

SEC. 7. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual or facsimile signature. At least one signature required or permitted to be placed on the Bonds shall be manually subscribed. If the Bonds are required to be manually subscribed by a trustee, issuing agent, fiscal agent, registrar, or other agent or custodian, any other signature required or permitted to be placed on the Bonds may be executed by facsimile. Any trust agreement or other documents as the Mayor of the City shall deem necessary to effectuate the issuance, sale and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Director of Finance of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Mayor of the City may determine to be necessary to carry out and comply with the provisions hereof, subject to the limitations set forth in the Act and any limitations set forth herein.

SEC. 8. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor of the City or by the Chief, Bureau of Treasury Management of the City or by such other appropriate officials of the City as may be designated by the Mayor of the City to execute such financing statements.

SEC. 9. *And be it further resolved*, That, as permitted by the Act, the provisions set forth in this Resolution for the issuance and sale of the Bonds are intended and shall be deemed to include provisions for the issuance and sale of bond anticipation notes without the adoption of any further resolution or other action by the City Council. Accordingly, the words "bonds" and "Bonds", as used in this

Resolution, shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. At no time shall the aggregate principal amount of any bond anticipation notes exceed the amount set forth in Section 3 of this Resolution. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding Bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 3 of this Resolution at any time. The City will agree to pay any bond anticipation notes issued pursuant to this Resolution and the interest and premium, if any, thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City will agree to issue such Bonds when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Facility Applicant, its officers, agents and employees.

SEC. 10. *And be it further resolved*, That, as permitted by the Act, the Bonds of any series shall be sold at private (negotiated) sale and at par, unless the Mayor of the City deems it to be in the best interests of the City to sell the Bond of any series at public sale or above or below par, in either or both of which events, the Bonds of such series shall be sold in such manner and upon such terms as the Mayor of the City deems to be in the best interests of the City.

SEC. 11. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds of any series, regardless of the date on which such Bonds are issued, the Mayor of the City, by executive order or otherwise:

(1) shall prescribe the form, tenor, terms and conditions of and security for the Bonds of such series;

(2) shall prescribe the principal amounts, rate or rates of interest, denominations, date, maturity or maturities (within the limits prescribed in the Act), and the time and place or places of payment of the Bonds of such series, and the terms and conditions and details under which the Bonds of such series may be called for redemption prior to their stated maturities;

(3) if necessary, may appoint a trustee, a bond registrar and a paying agent or agents for the Bonds of such series;

(4) shall approve the form and contents of, and execute and deliver (where applicable), a Financing Agreement, and such other documents, including (without limitation) trust agreements, assignments, mortgages, deeds of trust, guaranties and security instruments to which the City is a party and which may be necessary to effectuate the issuance, sale and delivery of the Bonds of such series;

(5) may prepare and distribute, in conjunction with representatives of the Facility Applicant and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official state-

ment and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment;

(6) may execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor of the City;

(7) shall determine the time of execution, issuance, sale and delivery of the Bonds of such series and, prescribe any and all other details of the Bonds of such series;

(8) shall determine the method, and approve the terms, of the sale of the Bonds of such series, as provided in Section 9 of this Resolution;

(9) shall provide for the direct payment by the Facility Applicant of all costs, fees and expenses incurred by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds of such series, including (without limitation) costs of printing (if any) and issuing the Bonds of such series, legal expenses (including the fees of bond counsel) and compensation to any person (other than full-time employees of the City) performing services by or on behalf of the City in connection therewith;

(10) may provide for the issuance and sale (subject to the passage at the time of an appropriate resolution authorizing the same) of one or more series of additional bonds and one or more series of refunding bonds;

(11) may provide for the funding of reserves for the Bonds of such series and for the payment of interest on the Bonds of such series in such amounts, or for such period, as the Mayor of the City deems reasonable; and

(12) may do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds of such series and in order to accomplish the legislative policy of the Act and the public purposes of this Resolution, subject to the limitations set forth in the Act and any limitations prescribed by this Resolution.

SEC. 12. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate principal amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect

or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes issued pursuant to Section 10 of this Resolution in anticipation of the issuance of the Bonds must be issued and sold on or before the date which is the earlier of (a) six months from the date on which this Resolution is approved by the Mayor of the City or (b) December 31, 1985; provided, however, that the Board of Finance of the City (the "Board"), after a showing of good cause at a public hearing held before the Board prior to or after the expiration of such period, may extend the period during which either the Bonds or such bond anticipation notes may be issued and sold for one additional term not to exceed six months from the date on which the initial period expired. The Board, in its sole discretion, and without action by the City Council, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of such period. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold within the time periods set forth in this Section 14 from the date on which this Resolution is approved by the Mayor of the City, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved December 9, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 69

(Council No. 1046)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS—
BON SECOURS HOSPITAL BALTIMORE, INC. PROJECT

FOR the purpose of authorizing and providing for the issuance, sale and delivery by Mayor and City Council of Baltimore (the "City") of its revenue bonds in an aggregate principal amount not to exceed \$16,000,000 pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement), or such other statutory authority as may be effective when such revenue bonds are issued, in order to lend or otherwise make available the proceeds thereof to Bon Secours Hospital Baltimore, Inc., a Maryland non-profit corporation (the "Corporation"), for the purpose of financing the costs of renovations to the Corporation's existing hospital, located at 2000 West Baltimore Street in the City of Baltimore and the acquisition of certain items of medical and office equipment for use in its hospital and necessary or useful equipment, furnishings and other property; authorizing the acceptance of a letter of intent as evidence of the present intent of the City to issue such revenue bonds; making certain legislative findings, among others, concerning the public benefit and purpose of such revenue bonds; providing that the principal amount of such revenue bonds and the interest thereon (a) shall be payable solely from the revenues to be received in connection with the financing of such facilities and from any other money made available to the City for such purpose as provided in this Resolution, and (b) shall never constitute an indebtedness or a charge against the full faith and credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and shall never constitute or give rise to any pecuniary liability of the City; authorizing the private (negotiated) sale of such revenue bonds; authorizing the Mayor, as chief executive officer of the City; by executive order or otherwise, to specify, prescribe, determine, provide for and approve all other matters, details, forms, documents and procedures pertaining to the authorization, sale, security, issuance, delivery and payment of and for such revenue bonds; and generally providing for and determining various matters in connection with the authorization, issuance, sale, delivery, security and payment of such revenue bonds and the consummation of the transactions contemplated by this Resolution.

RECITALS

The Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement) (the "Act"), empowers the counties and municipalities of the State of Maryland to borrow money by issuing revenue bonds for the purpose of financing and refinancing the costs of "acquisition" of one or more "facilities" for one or more "facility users" (as such terms are defined in the Act). Among the declared legislative purposes of the Act are the relief of conditions of unemployment in the State of Maryland (the "State"), the en-

couragement of the increase of industry and commerce and a balanced economy in the State, the promotion of economic development and the promotion of the health, welfare and safety of the residents of each of the counties and municipalities of the State.

Bon Secours Hospital Baltimore, Inc., a Maryland non-profit corporation (the "Corporation"), has submitted a letter of intent (the "Letter of Intent") to the City in which the Corporation requested the City to issue its revenue bonds in a principal amount not exceeding \$16,000,000 and to loan the proceeds thereof to the Corporation in order to finance the costs of acquisition of the facilities described below (the "Facilities").

The Facilities will consist generally of renovations to the Corporation's hospital and the acquisition and installation of items of medical and office equipment for use in the Corporation's hospital (including reimbursement of the Corporation for certain costs of acquisition and installation of medical and office equipment incurred by the Corporation prior to the date of issuance of the Bonds), the acquisition and installation of any and all equipment, furnishings and other improvements as may be necessary or useful in connection with the operation of such facility and the acquisition of such other interests in land as may be necessary or useful for the foregoing, including roads and rights of access, utilities and other necessary site preparation.

The City has determined to authorize the issuance of its revenue bonds pursuant to the Act to finance the Facilities upon the terms and conditions of this Resolution.

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore, That, acting pursuant to the Act, it is hereby found and determined as follows:*

(a) The City intends to issue and sell its revenue bonds, notes or other evidences of obligation authorized by the Act (the "Bonds") in an aggregate principal amount not to exceed \$16,000,000 in order to lend or otherwise make available the proceeds thereof (the "Loan") to the Corporation for the purpose of financing the acquisition of the Facilities. The Facilities shall include such land or interests in land, buildings, structures, machinery, equipment, furnishings and other real or personal property as may be necessary or desirable in connection with the operation of the Facilities and as shall be specified in an executive order of the Mayor. The term "acquisition" shall have the meaning prescribed in the Act and shall include acquisition, construction, reconstruction, equipping, expansion, extension, improving, rehabilitation and remodeling. The term "acquisition" shall also include reimbursement of the Corporation for costs incurred prior to issuance of the Bonds by the Corporation of acquisition and installation of certain medical and office equipment.

(b) The Facilities constitute "facilities" within the meaning of the Act. The Corporation constitutes a "facility applicant" and a "facility user" within the meaning of the Act, as evidenced by the Letter of Intent.

(c) The issuance, sale and delivery of the Bonds will promote and expedite the acquisition of the Facilities. The accomplishment of the transactions con-

templated and authorized by this Resolution, including (without limitation) the acquisition of the Facilities and the financing thereof, will promote the declared legislative purposes of the Act by relieving conditions of unemployment in the City and the State, encouraging the increase of industry and commerce and a balanced economy in the City and the State, assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce in the City and the State, promoting economic development and generally promoting the health, welfare and safety of the residents of the City and the State.

(d) The principal of, and premium, if any, and interest on the Bonds shall never constitute an indebtedness or a charge against the full faith and credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and shall never constitute or give rise to any pecuniary liability of the City. The Bonds shall be limited obligations of the City, the principal of, and premium, if any, and interest on which shall be payable solely from and secured solely by a pledge of (1) the revenues from or arising in connection with the Facilities, (2) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (3) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (4) any combination of (1), (2) or (3) above, and any other moneys made available to the City for such purposes, all as more particularly prescribed by the Mayor by an executive order or orders issued prior to the issuance, sale and delivery of the Bonds in accordance with the further provisions of this Resolution.

(e) Neither the proceeds of the Bonds nor the payments on account of the principal of and premium, if any, and interest on the Bonds will be commingled with the City's funds or subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable to ensure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution.

SEC. 2. *And be it further resolved*, That, the Mayor is hereby authorized to accept, on behalf of the City, the Letter of Intent to evidence the City's intent to issue the Bonds as provided in this Resolution. The City contemplates that the Corporation may proceed with the acquisition of the Facilities prior to the issuance of the Bonds.

SEC. 3. *And be it further resolved*, That, the City is hereby authorized to issue, sell and deliver the Bonds in an aggregate principal amount not to exceed Sixteen Million Dollars (\$16,000,000) pursuant to the Act or such other statutory authority as may be effective when the Bonds are issued. The proceeds of the Bonds shall be loaned or otherwise made available to the Corporation for the purpose of financing the acquisition of the Facilities, including (without limitation) the expenses of preparing, printing, selling and issuing the Bonds, the funding of any reserves in connection with the Bonds and the payment of interest prior to and during the period of acquisition of the Facilities and for such a limited period thereafter as may be determined by the Mayor by executive order in accordance with the further provisions of this Resolution within the limitations of the Act. The Bonds may be issued in one or more series.

The authority to issue the Bonds is intended to and shall include the authority to issue revenue refunding bonds, and references herein to the "Bonds" shall include revenue refunding bonds where appropriate. In the event that any revenue refunding bonds are issued, the outstanding principal amount of any "refunded bonds" (as hereinafter defined) shall not be taken into account in determining the aggregate principal amount of Bonds issued, sold and delivered hereunder. The term "refunded bonds" means any Bonds (i) for the payment of which (both principal and interest) provision has been made from the proceeds (including any earnings on the investment thereof) of Bonds issued pursuant to this Resolution or from moneys made available by the Corporation or (ii) which have been paid from such proceeds or such moneys, whether such provision for payment, or such payment, is made at or prior to the maturity of such Bonds.

SEC. 4. *And be it further resolved*, That, the Mayor, as chief executive officer of the City, is hereby authorized to specify, prescribe, determine, provide for or approve, all within the limitations of this Resolution and the Act, all matters, details, forms, documents and procedures pertaining to the sale, security, issuance, delivery and payment of or for the Bonds, including (without limitation):

(a) the principal amount of Bonds to be issued at any one time and from time to time, the rate or rates of interest thereon, the date or dates of maturity thereof, the payment provisions therefor, the prepayment, sinking fund and redemption provisions (if any) thereof, the designation or designations of the Bonds of each series and the date or dates of issuance thereof;

(b) the form, tenor, terms and conditions of the Bonds, and provisions for the registration and transfer of the Bonds (if any);

(c) the form and contents of, and provisions for the execution and delivery of, such financing documents as the Mayor shall deem necessary or desirable to evidence, secure or effectuate the Loan and the issuance, sale and delivery of the Bonds, including (without limitation) any loan agreements, notes, mortgages, security agreements, guarantees, financing agreements or escrow agreements;

(d) provision for the payment directly by the Corporation of all expenses of preparing, printing and selling the Bonds, including (without limitation) any and all costs, fees and expenses incurred by or on behalf of the City in connection with the authorization, issuance, sale and delivery of the Bonds, and all costs incurred in connection with the development of the appropriate legal documents, including (without limitation) the fees of counsel to the City and compensation to any persons (other than full-time employees of the City) or entities performing services for or on behalf of the City in connection therewith and in connection with all other transactions contemplated by this Resolution, whether or not the proposed financing is consummated;

(e) the creation of security for the Bonds and provision for the administration of the Bonds, including (without limitation) the appointment of such trustees, escrow agents, paying agents, registrars or other agents as the Mayor shall deem necessary or desirable to effectuate the transactions authorized hereby;

(f) the preparation and distribution, in conjunction with representatives of the Corporation and the prospective purchasers of or underwriters for the Bonds of

any series, both a preliminary and a final official statement, placement memorandum or offering circular in connection with the sale of the Bonds of any series, if such preliminary and final official statement, placement memorandum or offering circular are determined to be necessary or desirable for the sale of the Bonds of such series;

(g) the form and content of, and provisions for the execution and delivery of, a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof); and

(h) such other matters in connection with the authorization, issuance, execution, sale, delivery and payment of the Bonds and the security for the Bonds and the Loan and the consummation of the transactions contemplated by this Resolution as may be deemed appropriate and approved by the Mayor, including (without limitation) establishing procedures for the execution, acknowledgement, sealing and delivery of such other and further agreements, documents and instruments, and the authorization of the officials of the City to take any and all actions, as are or may be necessary or appropriate to consummate the transactions contemplated by this Resolution in accordance with the Act and this Resolution.

The Mayor, as chief executive officer of the City, is authorized to prescribe procedures to facilitate the prompt determination and approval of one or more of the matters set forth above. Such procedures may include telephonic approval and subsequent telegraphic or written confirmation of one or more of such matters by a designated officer of the City within guidelines or parameters prescribed by the Mayor. The Mayor is further authorized (1) to establish procedures for the utilization of variable or floating rates of interest, (2) to enter into arrangements with a bank or other appropriate institution to facilitate the purchase, repurchase, sale, transfer or payment of Bonds, including (without limitation) the use of general or standby letters of credit, revolving credit facilities, repurchase agreements or other similar arrangements, and (3) to take such actions as may be necessary to implement a program for the issuance of Bonds in the nature of commercial paper, demand notes and floating rate obligations.

Each executive order issued pursuant to this Resolution shall be deemed to be of an administrative nature and shall be effective upon the effective date specified therein.

SEC. 5. *And be it further resolved*, That, as permitted by the Act, the Bonds shall be sold at private (negotiated) sale and at par, unless the Mayor deems it to be in the best interests of the City to sell the Bonds at public sale or above or below par, in which event the Bonds shall be sold in such manner, at such price or prices and upon such terms as the Mayor deems to be in the best interests of the City. The Bonds shall be sold at such times and on such dates as the Mayor may determine. The Bonds shall be sold to one or more persons, firms or corporations (including banks or other financial institutions) as determined by the Mayor with the consent of the Corporation.

SEC. 6. *And be it further resolved*, That, the Bonds shall be executed in the name of the City and on its behalf by the manual or facsimile signature of the Mayor and the manual or facsimile signature of the Custodian or Alternate

Custodian of the City Seal, and the seal of the City or a facsimile thereof shall be affixed thereto. In case any official of the City whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such official before the delivery of the Bonds or any of the aforesaid documents, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such official had remained in office until delivery.

SEC. 7. *And be it further resolved*, That, the Corporation shall agree that:

(a) It will submit any plans and specifications for the Facilities to the Department of Housing and Community Development for approval, with the understanding that the Department of Housing and Community Development may consider, without limitation: the economic feasibility of any construction and the suitability of any site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks and harmony between the plans and the surroundings of the Facilities and that the Department of Housing and Community Development may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

(b) The Corporation and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building and landscape design.

SEC. 8. *And be it further resolved*, That, if no Bonds are issued and sold within the earlier of (1) six months from the effective date of this Resolution or (2) December 31, 1985, the authorization provided in this Resolution for the City to issue and sell the Bonds shall expire; provided, however, that the Board of Finance, after a showing of good cause at a public hearing held before the Board of Finance, may extend such authorization for one additional term not to exceed six months. The Board of Finance, in their sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Resolution. If an extension is granted, notice of such extension and the reasons therefor shall be sent to the City Council.

SEC. 9. *And be it further resolved*, That, the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part thereof shall be held to be illegal, invalid or unconstitutional or inapplicable to any person, entity or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons, entities or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person, entity or circumstances to which this Resolution or any part thereof is inapplicable had been specifically exempted therefrom; provided, however, that neither the principal of or premium, if any, nor the interest on the Bonds shall ever constitute an indebtedness of the City or a charge against the general credit or taxing powers of the City within the meaning of any constitu-

tional or charter provision or statutory limitation or shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 10. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved December 9, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 70

(Council No. 1055)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS
(AMERICAN HEART ASSOCIATION,
MARYLAND AFFILIATE, INC. PROJECT)**

FOR the purpose of authorizing and empowering Mayor and City Council of Baltimore (the "City") to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the approximate aggregate principal amount of, but not to exceed, One Million Six Hundred Thousand Dollars (\$1,600,000) (the "Bonds"), pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland (1982 Replacement Volume, 1985 Cumulative Supplement), as amended, (the "Act") for the purpose of financing the construction and renovation of a building containing approximately 28,000 square feet, known as the American Heart Association Building, located at 415-17 North Charles Street in Baltimore City, the acquisition and installation of necessary or useful machinery and equipment therein, and the acquisition of other necessary or suitable interests in land, to be owned by American Heart Association, Maryland Affiliate, Inc., a private, non-profit 501(c)(3) Maryland corporation; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated October 17, 1985 to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing and empowering the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of the Bonds, to (a) approve the issuance of such Bonds, (b) prescribe, among other things but not limited to, the form, terms, provisions, manner, or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds, and (c) do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds providing that the Bonds (or bond anticipation notes issued in anticipation of the issuance of the Bonds) must be issued and sold not later than December 31, 1985; authorizing the issuance of notes in anticipation of the issuance of the Bonds; and generally providing for and determining various mat-

ters and details in connection with the issuance and sale of the Bonds and bond anticipation notes; authorizing the Mayor of the City, by executive order or otherwise, to do any or all of the foregoing; and specifying and describing various matters in connection therewith, as required or permitted by the Act.

RECITALS

The Maryland Economic Development Revenue Bond Act, Article 41, Sections 266A to 266-I, inclusive, of the Annotated Code of Maryland (1982 Replacement Volume, 1984 Cumulative Supplement), as amended (the "Act"), provides that in order to accomplish the legislative policy of the Act, Mayor and City Council of Baltimore (the "City") or any other public body (as defined in the Act) may issue and sell its bonds (as defined in the Act), as it limited obligations and not upon its faith and credit or pledge of its taxing powers, at any time or from time to time, in one or more series, for the purposes of financing or refinancing any costs of the acquisition (as defined in the Act) of one or more facilities (as defined in the Act) for one or more facility users (as defined in the Act) or of refunding outstanding bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition in such amounts, or for such period, as the public body deems reasonable. The powers granted to the City by the Act are for the legislative purposes of (i) relieving conditions of unemployment, (ii) encouraging the increase of industry and commerce and a balanced economy, (iii) assisting in the retention of existing industry and commerce and in the attraction of new industry and commerce, (iv) promoting economic development, (v) protecting natural resources and encouraging resource recovery, and (vi) promoting the health, welfare, and safety of residents of Baltimore City.

The City has received a letter of intent dated October 17, 1985 (the "Letter of Intent") from American Heart Association, Maryland Affiliate, Inc., a private, non-profit 501(c)(3) Maryland corporation (the "Borrower") pursuant to which the Borrower has requested the City to participate in the financing of the costs of acquisition (within the meaning of the Act) by the Borrower of a certain Facility (as hereinafter defined) in Baltimore City by issuing and selling the City's economic development revenue bonds in an aggregate principal amount not to exceed One Million Six Hundred Thousand Dollars (\$1,600,000), and by making the proceeds of such bonds available to the Borrower to be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Facility by the Borrower.

The Letter of Intent also expresses the Borrower's intention that the interest payable on the Bonds shall be exempt from federal income taxation pursuant to Section 103(a) of the Internal Revenue Code of 1954, as amended (the "Code"). The Borrower acknowledges in the Letter of Intent (i) that the City reserves certain rights concerning the issuance of the Bonds as provided in Section 5 hereof, (ii) that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions, (iii) that Section 103(n) provides for a formula for the allocation of the state volume limitation, and (iv) that Executive Order 01.01.1985.01 signed by Governor Harry Hughes on January 14, 1985 (the "Governor's Proclamation") requires that the recipients of the proceeds of Private Activity Bonds (as defined in the Governor's Proclamation) make best

efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of projects or the provision of services or supplies with such proceeds.

The Borrower has represented to the City that the Borrower is an organization described in Section 501(c)(3) of the Code and is exempt from tax under Section 501(a) of the Code. Therefore, the Bonds will not be Private Activity Bonds as defined in Section 103(n) of the Code or the Governor's Proclamation, and will not be subject to the State's volume limitation. Notwithstanding the foregoing, the Borrower has represented to the City that it intends to make best efforts to use such minority firms in the construction of the Facility and the provisions of services or supplies with the proceeds of the Bonds.

The acquisition of the Facility will accomplish the legislative purpose of in the Act by, among other things, increasing the number of new jobs in Baltimore City, as set forth in the Letter of Intent.

The Facility consists generally of (a) the renovation of an existing building and the construction of an addition thereto, aggregating approximately 28,000 square feet, known as The American Heart Association Building, on land presently owned by the Facility Applicant located at 415-417 North Charles Street, in Baltimore City (b) the acquisition and installation in the Building of equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation of the Facility Applicant's business, and (c) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities (collectively, the "Facility"). Upon completion, the Facility will be owned and used by the Borrower in its business as a voluntary health agency with one mission: the reduction of premature death and disability from cardiovascular disease and stroke.

The City, based upon the findings and determinations set forth below, has determined to participate in the financing of the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility by the issuance, sale, and delivery, at any time or from time to time and in one or more series, of its economic development revenue bonds, in the approximate aggregate principal amount of, but not to exceed, One Million Six Hundred Thousand Dollars (\$1,600,000) (the "Bonds"), and, at the election of the Borrower, by either: (1) lending the proceeds of the Bonds of any series to the Borrower, or (2) using the proceeds of the Bonds of any series to finance the costs (to the fullest extent permitted by the Act) of the acquisition of the Facility and either (a) leasing the Facility to the Borrower or (b) selling the Facility to the Borrower, in each case upon the terms and conditions of a loan agreement, lease agreement, installment sale agreement, trust agreement, or similar agreement between, among others, the City and the Borrower. The proceeds of the Bonds shall be applied in accordance with the Act and this Resolution.

The Act provides that the City may authorize and empower the Board of Finance of the City (the "Board") by resolution or the Mayor of the City by executive order, to determine and set forth the forms, terms, provisions, manner,

or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and the City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(1) This Resolution is a "resolution" within the meaning of the Act.

(2) The issuance and sale of the Bonds by the City, pursuant to the Act, in order to make the proceeds thereof available to the Borrower for the purpose of financing the acquisition of the Facility (including the necessary expenses of preparing, printing, selling, and issuing the Bonds, the funding of reserves, and the payment of interest with respect to financing such acquisition) will facilitate and expedite the acquisition of the Facility by the Borrower.

(3) The acquisition of the Facility by the Borrower and the financing of the costs of such acquisition as provided, in this Resolution will serve to promote the legislative purposes of the Act by (a) relieving conditions of unemployment in Baltimore City; (b) promoting economic development in Baltimore City; (c) encouraging the increase of industry and a balanced economy in Baltimore City and (d) assisting in the retention of existing industry and commerce in Baltimore City.

(4) The Bonds and the interest thereon will be limited obligations of the City, and the principal of, premium, if any, and interest thereon shall be payable and secured solely from the revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Any bond anticipation notes shall also be payable from the proceeds of the Bonds in anticipation of which such notes were issued. Neither the Bonds, nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

(5) Neither the proceeds of the Bonds, nor the payments of the principal of, premium, if any, and interest on the Bonds will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The transactions provided for herein do not constitute any physical public betterment or improvement or the acquisition of property for public use or the purchase of equipment for public use. The Facility does not constitute a capital project of the City within the meaning of any statutory or charter provision. The public purposes expressed in the Act are to be achieved by facilitating the acquisition of the Facility.

(6) Based upon information contained in the Letter of Intent and other information furnished: (a) the City has considered the feasibility of conventional financing on reasonable terms to finance the Facility; (b) the City has considered the competitive effect of the issuance of the Bonds on other business entities conducting similar businesses in Baltimore City; and (c) the City has considered the necessity for the issuance of the Bonds to ensure job opportunities and to provide for a sufficient tax base.

SEC. 2. *And be it further resolved*, That this Resolution, among other things, evidences the present intent of the City to issue, sell, and deliver the Bonds, and the City is hereby authorized and empowered to issue and sell, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, in the approximate aggregate principal amount of, but not to exceed, One Million Six Hundred Thousand Dollars (\$1,600,000), subject to the provisions of this Resolution and pursuant to the Act. The Mayor of the City (the "Mayor") is hereby authorized, empowered, and directed to accept the Letter of Intent on behalf of the City in order to further evidence the present intent of the City to issue and sell the Bonds in accordance with the terms and provisions of this Resolution.

SEC. 3. *And be it further resolved*, That the proceeds of the Bonds (i) will be made available to the Borrower under terms and conditions of a loan agreement (within the meaning of the Act) or a financing agreement (the "Financing Agreement") which Financing Agreement will provide that the Borrower will make payments which will be sufficient to enable the City to pay the principal of, premium, if any, and interest on the Bonds when and as the same become due and payable, and which Financing Agreement shall be approved by the Board as set forth in a Bond Resolution (hereinafter defined) or by the Mayor as set forth in an Executive Order (hereinafter defined), and (ii) will be used by the Borrower for the sole and exclusive purpose of financing the costs of the acquisition of the Facility.

SEC. 4. *And be it further resolved*, That upon the effective date of this Resolution the Borrower can commence the acquisition of the Facility prior to the issuance, sale, and delivery of the Bonds; provided, however, that if the Borrower does proceed with the acquisition of the Facility prior to the adoption of a Bond Resolution by the Board or the issuance of an Executive Order by the Mayor, as authorized in Section 6 below, the Borrower does so at its own risk.

SEC. 5. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure the City (a) complies with present federal and state laws and any pending or future federal or state legislation, whether proposed or enacted, which may restrict the issuance of economic development bonds, and (b) issues its bonds (within the meaning of the Act and any present or future state or local laws), within the limits imposed by any such present laws or any such pending or future legislation or any future local laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

Pursuant to the provisions of this Section 5, therefore, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Borrower, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

The City reserves the right to choose to issue its economic development revenue bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order or priority as it may determine in its sole and absolute discretion.

SEC. 6. *And be it further resolved*, That, as permitted by the Act, the Board and the Mayor are each hereby authorized and empowered, by a resolution or resolutions (in the case of the Board) or by an executive order or orders (in the case of the Mayor) adopted or issued, as the case may be, prior to the issuance, sale, and delivery of any of the Bonds (the "Bond Resolution" or the "Executive Order", as the case may be), to:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the principal amounts, form or forms, interest rate or rates, maturity or maturities, premiums, if any, terms, provisions, manner, or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof;

(c) approve (i) the form of any Financing Agreement, as provided for in the Act, and (ii) such provisions in any Financing Agreement as the Board may deem reasonable and proper for the security of the holders of the Bonds;

(d) if necessary, appoint a trustee, bond registrar, and a paying agent or agent's for the Bonds;

(e) approve the terms and conditions, including but not limited to the terms and conditions of any and all documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of the Bonds will be made available to the Borrower to finance the costs of the acquisition of the Facility; and

(f) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 7. *And be it further resolved*, That the Bonds and the interest thereon are limited obligations of the City the principal of, premium, if any, and interest on which are payable and secured solely (except for bond anticipation notes) by revenues to be received in connection with the financing of the Facility or from any other moneys made available to the City for such purpose. Neither the Bonds, nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 8. *And be it further resolved*, That prior to the adoption of the Bond Resolution by the Board or the issuance of the Executive Order by the Mayor, as the case may be, the Mayor, the Director of Finance of the City, the Chief, Bureau of Treasury Management of the City or other City officials, as appropriate, may:

(a) assist in the preparation and distribution, in conjunction with representatives of the Borrower and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement in connection with the sale of the Bonds of any series, if such preliminary official statement and final official statement are determined to be necessary or desirable for the sale of the Bonds of such series, provided, however, that any such preliminary official statement shall be clearly marked to indicate that it is subject to completion and amendment; and

(b) execute and deliver a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof) in form and content satisfactory to the Mayor.

SEC. 9. *And be it further resolved*, That the Borrower shall agree that:

(a) it will submit any plans and specifications for the Facility, if any are required, to the Department of Housing and Community Development for approval, and that the Department of Housing and Community Development may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) if applicable, it and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building, and landscape design.

SEC. 10. *And be it further resolved*, That any and all of the Bonds shall be executed in the name of the City and on its behalf by the Mayor, by his manual or facsimile signature, and by the Director of Finance of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal, by his manual signature. Any Financing Agreement or other documents as the Board or the Mayor shall deem necessary to effectuate the issuance, sale, and delivery of the Bonds shall be executed in the name of the City and on its behalf by the Mayor by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by the Custodian of the City Seal by his manual signature. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor, the Director of Finance of the City, the Custodian of the City Seal, and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board may determine by resolution, or as the Mayor may determine by executive order, as the case may be, to be necessary to carry out and comply with the provisions hereof.

SEC. 11. *And be it further resolved*, That any and all necessary financing statements required for the consummation of the transactions authorized by this Resolution may be executed on behalf of the City by the Mayor or by the Chief, Bureau of Treasury Management of the City or by such other appropriate official of the City as may be designated by the Mayor to execute such financing statements.

SEC. 12. *And be it further resolved*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes. References in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. Prior to the issuance, sale, and delivery of any series of bond anticipation notes, the Board shall adopt a resolution or resolutions, or the Mayor shall issue an executive order or orders, to:

- (a) approve the issuance of such bond anticipation notes;
- (b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bond anticipation notes and the issuance and sale thereof;
- (c) approve (i) the form of any Financing Agreement, as provided in the Act, and (ii) such provisions in any such Financing Agreement as the Board or the Mayor, as the case may be, may deem reasonable and proper for the security of the holders of such bond anticipation notes;
- (d) approve the terms and conditions, including but not limited to the terms and conditions of any documents to be executed and delivered by the City (other than customary financing statements and closing certificates), under which the proceeds of such bond anticipation notes will be made available to the Borrower to finance the costs of the completion of the Facility; and
- (e) do any and all things necessary, proper or expedient in connection with the issuance, sale, and delivery of such bond anticipation notes.

The City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Borrower, its officers, agents, and employees.

SEC. 13. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section, or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been

adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 14. *And be it further resolved*, That either the Bonds or bond anticipation notes (issued pursuant to Section 12 of this Resolution in anticipation of the issuance of the Bonds) must be issued and sold not later than December 31, 1985. To the extent that neither the Bonds nor such bond anticipation notes are issued and sold by December 31, 1985, the authority provided in this Resolution for the City to issue and sell the Bonds and such bond anticipation notes shall expire.

SEC. 15. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved December 9, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 71

(Council No. 1049)

A RESOLUTION concerning

GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL OF BALTIMORE FOR THE BENEFIT OF MANOR REALTY COMPANY AND MANOR HILL FOOD CORPORATION, INC. IN AN AMOUNT NOT TO EXCEED \$380,000 (PROPERTY LOCATED AT 1200 BERNARD DRIVE IN BALTIMORE CITY) IN CONNECTION WITH THE NEIGHBORHOOD PROGRESS ADMINISTRATION/DHCD PRIVATE ACTIVITY BOND PROGRAM

FOR the purpose of indicating the present intention of Mayor and City Council of Baltimore to participate in the financing, in an amount not to exceed \$380,000, of the acquisition by Manor Realty Company, a Maryland general partnership, of a certain facility in Baltimore City consisting of (a) the construction of a masonry addition comprised of additional office, warehouse and storage space totalling approximately 12,000 square feet to the West side of an existing building, and a masonry addition comprised of a shipping and receiving office and a storage room totalling approximately 480 square feet to the South side of the same existing building, such building being located on land already leased by the Applicant from the City at 1200 Bernard Drive, Baltimore City, Maryland (the "Building") and (b) the acquisition and installation in the Building of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection therewith; to be leased by Manor Realty Company to Manor Hill Food Corporation, Inc., a Maryland corporation, for use by Manor Hill Food Corporation, Inc. in its food manufacturing and wholesale distributing business; authorizing the Mayor of the City, on

behalf of the City, to accept the letter of intent dated October 25, 1985 from Manor Realty Company and Manor Hill Food Corporation, Inc. to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such Bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Manor Realty Company and Manor Hill Food Corporation, Inc. shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; authorizing the issuance of notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Mayor and City Council of Baltimore (the "City") has received a letter of intent dated October 25, 1985 (the "Letter of Intent") from Manor Realty Company, a Maryland general partnership (the "Applicant") and Manor Hill Food Corporation, Inc. a Maryland corporation (the "Facility User"), requesting the City to participate in the financing of the cost of acquisition by the Applicant of (a) the construction of a masonry addition comprised of additional office, warehouse and storage space totalling approximately 12,000 square feet to the West side of an existing building, and a masonry addition comprised of a shipping and receiving office and a storage room totalling approximately 480 square feet to the South side of the same existing building, such building being located on land already leased by the Applicant from the City at 1200 Bernard Drive, Baltimore City, Maryland (the "Building") and (b) the acquisition and installation in the Building of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation of the Facility User's business. As set forth in the Letter of Intent, the acquisition of the Facility will enable the Facility User to (a) maintain its manufacturing operations in the City, (b) relieve conditions of unemployment in the City and the State of Maryland (the "State"), (c) encourage the increase of industry in the City and the State, and (d) promote economic development and the health, welfare and safety of the residents of the City and the State. The Applicant requests that, pursuant to various provisions of the Constitution of Maryland, Acts of the General Assembly of Maryland, various Ordinances of the City and Article II Section (33) and Section (57) of the Charter of Baltimore City, 1964 Revision, as amended (collectively, the "Enabling Laws"), the City authorize, issue, sell, and deliver its bonds, in one or more series (the "Bonds") in connection with the Private Activity Bond Program (the "Private Activity Bonds Program") of the Neighborhood Progress Administration/DHCD of the City ("NPA/DHCD"), in an aggregate principal amount not to exceed Three Hundred Eighty Thousand Dollars

(\$380,000). The Applicant intends to lease the Facility to Manor Hill Food Corporation, Inc., a Maryland corporation (the "Facility User").

The Letter of Intent expresses the Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

The Letter of Intent further expresses the Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the volume cap of the State of Maryland and that the City cannot assure the Facility Applicant of any availability under the State's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Enabling Laws empower the City to make or contract to make, guarantee, or insure financial loans for commercial or industrial purposes from the proceeds of the City's general obligation bonds.

The Enabling Laws authorize and empower a majority of the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

SECTION 1. Be it resolved by Mayor and City Council of Baltimore. That the City intends to participate in the financing of the acquisition of the Facility as described generally in the Letter of Intent.

SEC. 2. And be it resolved by Mayor and City Council of Baltimore. That this Resolution indicates the present intent of the City to provide assistance in such financing pursuant to the Private Activity Bond Program in an amount not to exceed Three Hundred Eighty Thousand Dollars (\$380,000), by authorizing the issuance, sale and delivery of its Bonds pursuant to the Enabling Laws and by lending the proceeds thereof to the Applicant for the purpose of financing the acquisition of the Facility, directly or by reimbursement, and paying the necessary expenses of preparing, printing and selling the Bonds, and any other costs permitted by the Enabling Laws, all in accordance with the Enabling Laws.

SEC. 3. *And be it resolved by Mayor and City Council of Baltimore*, That based on information provided to the City by the Applicant and the Facility User, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Facility User within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 4. *And be it resolved by Mayor and City Council of Baltimore*, That any and all of the Bonds, and any notes or other obligations, shall be general obligations of the City and shall be a pledge of and involve the faith and credit and the taxing power of the City.

SEC. 5. *And be it resolved by Mayor and City Council of Baltimore*, That the Mayor of the City hereby is authorized to accept the Letter of Intent on behalf of the City to evidence further the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution and the City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulation prescribed by the United States Department of the Treasury pursuant to Section 103 of the Code, indicative of the willingness and bona fide present intent of the City to authorize the issuance, sale and delivery of the Bonds and as an inducement to the Applicant (i) to proceed with the acquisition of the Facility in the City as permitted by the Enabling Laws, and (ii) to engage in business in the City; provided, however, that, as more fully provided in Section 6 hereof, (1) this Resolution is not and does not constitute a commitment of the City to issue the Bonds, and (2), if the Applicant proceeds with the acquisition of the Facility prior to the making of a loan by the City to the Applicant under the Private Activity Bond Program in the amount of the Bonds, the Applicant does so at its own risk.

SEC. 6. *And be it resolved by Mayor and City Council of Baltimore*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Laws, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Laws and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay in-

definitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it resolved by Mayor and City Council of Baltimore, That, as permitted by the Enabling Laws, the Board shall, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds:*

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 8. *And be it resolved by Mayor and City Council of Baltimore, That the Applicant shall agree that:*

(a) it will submit any plans and specifications for the Facility to NPA/DHCD for approval, and that NPA/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by NPA/DHCD to achieve high quality site, building, and landscape design.

SEC. 9. *And be it further resolved by Mayor and City Council of Baltimore, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. The maturity of such bond anticipation notes shall not exceed twelve years from the date of issuance of such bond anticipation notes. Prior to the issuance, sale and delivery of any series of bonds anticipation notes, the Board shall adopt a resolution or resolutions to:*

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time to times of issuance, and any and all other details of such bonds anticipation notes and the issuance and sale thereof all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, and under such terms as approved by the

Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Applicant, its officers, agents and employees.

SEC. 10. *And be it resolved by Mayor and City Council of Baltimore*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 11. *And be it resolved by Mayor and City Council of Baltimore*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution shall be of an administrative nature and shall take effect from the date of its passage.

Approved December 13, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement) (the "Act") constitutes those provisions of Maryland law authorizing the issuance of industrial development revenue bonds by all the counties and municipalities of the State of Maryland (the "State").

The Act empowers the counties and municipalities of the State to issue revenue bonds, bond anticipation notes, notes in the nature of commercial paper and other instruments, certificates or evidences of obligation and to loan the proceeds of the sale of such revenue bonds to a facility applicant (as defined in the Act) to finance the acquisition (as that term is defined in the Act) by such facility applicant of a facility (as that term is defined in Section 266A of the Act). The Act declares it to be its legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and commerce and a balanced economy in the State, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction or abatement of pollution of the environment and the utilization and disposal of wastes (where the proceeds of such bonds are used for such purpose), to promote economic development, to protect natural resources and encourage resource recovery and, generally, to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

The City has received a letter of intent (as contemplated by Section 266A(h) of the Act) dated November 7, 1985 (the "Letter of Intent"), from The Pulaski II Limited Partnership, a Maryland limited partnership and a facility applicant (as defined in the Act) (hereinafter referred to as the "Borrower") pursuant to which the Borrower has requested the City to participate in the financing of the acquisition (within the meaning of the Act) by the Borrower of a facility (within the definition of the Act) to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the City of its Baltimore City, Maryland Economic Development Revenue Bonds (The Pulaski II Limited Partnership Project) (the "Bonds"), in an aggregate principal amount not exceeding \$6,000,000, and by loaning the proceeds of the Bonds to the Borrower upon the terms and conditions of one or more loan or other agreements to be entered into between the City and the Borrower (collectively, the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan"). The Borrower has indicated its intention to use its best efforts to utilize the services of minority firms in the acquisition of the Facility.

The Facility will consist generally of the following (i) the addition to the existing incinerator number 4 located at 6709 Pulaski Highway of a fifth furnace and related equipment having a rated capability of approximately 200-300 tons of solid waste disposal per day, (ii) the acquisition and installation of such other machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation of a solid waste disposal business, and (iii) the acquisition of such interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other

necessary site preparation facilities. It is intended that the Borrower will lease the facility to The Pulaski Company Limited Partnership, a Maryland limited partnership, a facility user (as defined in the Act) (the "Facility User").

The City has determined to accept the Letter of Intent, to issue and sell Bonds in an aggregate principal amount not exceeding \$6,000,000 and to lend the proceeds of the Bonds to the Borrower on the terms and conditions to be set forth in the Loan Agreement in order to help finance the acquisition of the Facility by the Borrower.

As security for the Bonds, the City will, for each series of the Bonds, enter into either (a) a Trust Agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") or the Mayor of the City (the "Mayor") as provided herein or (b) an Assignment and Security Agreement or Loan and Financing Agreement or other similar agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser"), and, if appropriate, a trustee or trustees (which may be the Original Purchaser) (collectively, the "Project Fund Trustee"). Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser or other applicable party, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to remedies under the Loan Agreement, including (without limitation) all security referred to therein, excepting only the rights of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, and (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds.

The Trust Agreement or the Assignment and the Loan Agreement may be combined into one agreement (a "Financing Agreement"). All references to Trust Agreement, Assignment and Loan Agreement herein shall also mean and refer to a Financing Agreement.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance of the Bonds by the City pursuant to the Act in order to loan the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the Borrower's acquisition (as that term is used in the Act) of the Facility and to pay the costs of preparing, printing and selling the Bonds, to fund reserves, to pay interest on the Bonds and to pay other costs permitted by the Act, will facilitate and expedite the acquisition of the Facility by the Borrower.

(b) The accomplishment of the transactions contemplated and authorized by this Resolution will (i) sustain jobs and employment opportunities and aid in maintaining employment, thus relieving conditions of unemployment in the State and in the City; (ii) encourage the increase of industry and commerce and a

balanced economy in the State and in the City; (iii) promote economic development; and (iv) generally promote the health, welfare and safety of the residents of the State and of the City.

(c) In addition to authorizing the City itself to acquire the Facility and either to lease or to sell such Facility to the Borrower or to otherwise accomplish the financing of the acquisition, the Act also authorizes the financing of the Facility to be accomplished in the form of a loan to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the construction, ownership or administration of the Facility; it permits, however, controls to be imposed on the use of the proceeds of the sale of the Bonds to insure that the public purposes of the Act and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Facility by a loan of the Bond proceeds to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds.

(d) Neither the Bonds nor the interest thereon shall ever constitute a pledge of, or involve the faith and credit or the taxing power of, the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City and shall be fully negotiable, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, and from any other moneys made available to the City for such purposes. The proceeds of the Bonds will be paid directly to (a) the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or (b) if deemed appropriate by the Board or the Mayor, by the Project Fund Trustee as provided in the Assignment or, (c) if deemed appropriate by the Board or the Mayor, the Borrower. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board or the Mayor. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The loan form of the transaction authorized hereunder shall in no event constitute a capital project with the meaning of any charter or statutory provision. The public purposes expressed in the Act are to be achieved by facilitating the acquisition and installation of the Facility by the Borrower and the use of the Facility by the Facility User.

(e) The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligation of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or

the revenue bonds as the Board may provide for and approve in a resolution or as the Mayor may approve, (c) revenues from or arising in connection with securities or contracts purchased or otherwise acquired with or in connection with the Bonds and (d) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board or the Mayor may approve.

SEC. 2. *And be it further resolved*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Economic Development Revenue Bonds (The Pulaski II Limited Partnership Project), in the aggregate principal amount not to exceed \$6,000,000, subject to the provisions of this Resolution.

SEC. 3. *And be it further resolved*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bond (The Pulaski II Limited Partnership Project)", provided that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution or the Mayor may prescribe (e.g. "1985 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board or the Mayor as provided herein.

SEC. 4. *And be it further resolved*, That the definitive Bonds, which may be engraved, printed or typewritten, including the Trustee's certificate of authentication if any, to be endorsed thereon, shall be in such form, not inconsistent with the Act and the provisions of this Resolution, as the Board or the Mayor may approve.

SEC. 5. *And be it further resolved*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal, by his manual or facsimile signature, as permitted by law. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and, if applicable, the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal by his manual or facsimile signature, as required by law. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board or the Mayor may determine to be necessary to carry out and comply with the provisions hereof.

SEC. 6. *And be it further resolved*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$6,000,000 as the Board or the Mayor shall prescribe.

SEC. 7. *And be it further resolved*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board or the Mayor shall prescribe.

SEC. 8. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt a resolution pursuant to which the Board is hereby authorized to specify, determine, provide for or approve, all or any of the following matters, details, forms, documents or procedures in connection with the Loan and the Bonds;

(a) The terms and provisions of the Bonds, including, without limitation, the principal amount of the Bonds, the maturity or maturities of the Bonds, the rate or rates of interest the Bonds are to bear and the redemption provisions of the Bonds;

(b) The form and tenor of the Bonds, including the determination as to whether the bonds shall be issued in one or more series, the form in which the Bonds are issued, and the designation of each series of Bonds;

(c) The terms and provisions and form of the Loan Agreement between the City and the Borrower and the terms and provisions and form of any notes or other evidences of obligation issued by the Borrower pursuant to the Loan Agreement;

(d) The terms and provisions and form of the Assignment or Trust Agreement by which the City assigns and transfers, without recourse, all of its rights, title and interest in and to, and remedies with respect to (except for certain rights to indemnification and to payment of administrative expenses of the City, including any enforcement remedies available to the City with respect thereto) the receipts and revenues of the City from the Loan as set forth in Section 1 hereof;

(e) The determination as to whether the proceeds of the Bonds shall be paid directly to the Borrower or paid to, and disbursed by, a trustee or trustees or agent for the benefit of the holders of the Bonds, if any such agent, trustee or trustees is appointed, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such a capacity or a similar capacity;

(f) The determination as to whether the Loan payments shall be made directly to the holder or holders of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such capacity or a similar capacity.

(g) The determination as to whether the assignment of the receipts and revenues of the City from the Loan should be made directly to the holder of the

Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee, or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution regularly serving in such capacity or a similar capacity;

(h) The form of, and the terms and provisions of any mortgage, deed of trust, assignment of leases or security agreement or other security instrument covering the Facility or any portion thereof or any interest therein or any other property as security for the Loan or the Bonds;

(i) The terms and the provisions of any contract, agreement, trust or other instrument (including, without limitation, any guaranty agreement) which it deems necessary or appropriate in connection with the issuance, sale and delivery of the Bonds, the making of the Loan and the acquisition of the Facility;

(j) A determination of the identity of any investment banker, underwriter, placement agents or other broker to be employed by or on behalf of the City in connection with the issuance, sale and delivery of the bonds and the form of any preliminary and final official statement issued in connection with any public offering of the Bonds or any offering memorandum or other official information document prepared in connection with any private placement of the Bonds;

(k) The determination of the date, time and place when any purchase agreement or proposal shall be submitted for the Bonds, the terms or provisions of any such agreement or proposal and such other matters as the underwriters, investment bankers or other placement agents employed in connection with the issuance of the Bonds may request; and

(l) Such other matters, details, forms, documents or procedures as may be deemed appropriate or desirable to the sale, security, issuance, delivery or payment of or for the Bonds for the Loan, including, without limitation, the creation of security for the Bonds and the Loan and provision for the administration of the Bonds, such as trusts or other instruments with banks or trust companies regarding countersignature or delivery of the Bonds or security for the Bonds or the Loan.

SEC. 9. *And be it further resolved*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of the bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board or the Mayor, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose.

SEC. 10. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds and the Mayor of the City is hereby author-

ized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds for the benefit of the Borrower. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the issuance of the Bonds, the Borrower does so at its own risk.

SEC. 11. *And be it further resolved*, That it is hereby found and determined that the best interests of the City will be served by selling the Bonds, at par, at private (negotiated) sale as authorized by the Act, upon the terms and conditions determined by the Board or the Mayor subject to the terms of this Resolution provided, however, that the Bonds may be sold at public (competitive) sale or below or above par (with the consent of the Borrower) if the Board or the Mayor determines that it is the best interests of the City, to sell the Bonds at a public (competitive) sale or sale above or below par.

SEC. 12. *And be it further resolved*, That, in lieu of a resolution of the Board of Finance, the Mayor of the City is hereby authorized to approve or prescribe, by Executive Order, any matters which the Board is authorized to approve or prescribe pursuant to this Resolution.

SEC. 13. *And be it further resolved*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City in order to ensure that the City (a) complies with federal and State laws in effect at the time of issuance of the Bonds which may restrict the issuance of bonds, and (b) issues its bonds (within the meaning of the Act and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt revenue bonds, the City reserves the right to choose to issue such tax-exempt revenue bonds (within the meaning of the Act and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 13, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Facility Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, in order to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 14. *And be it further resolved*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council who votes in favor of, or against,

the adoption of this Resolution, and the Mayor, by his approval or veto of this Resolution, hereby certifies under penalty of perjury, that the allocation granted to the Borrower by the City Council has not been made in consideration of any gift, gratuity, bribe or direct or indirect contribution to any political campaign.

SEC. 15. *And be it further resolved*, That the City has made the findings set forth, herein, based on the information provided to the City by the Borrower, and the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Borrower within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to assure job opportunities and to provide for a sufficient tax base.

SEC. 16. *And be it further resolved*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition and installation of any portion of the Facility (other than the acquisition and installation of equipment only) to the Department of Housing and Community Development and the Department of Planning for approval, and that the Department of Housing and Community Development and the Department of Planning may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) With respect to such portion of the Facility, the Borrower will work with the design advisory group appointed by the Department of Housing and Community Development and the Department of Planning in order to achieve high quality site, building and landscape design.

SEC. 17. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 18. *And be it further resolved*, That this Resolution is intended to be, and shall constitute, evidence of the intent of the City to issue and deliver the Bonds authorized hereby in accordance with the terms hereof, provided however, that if no Bonds have been issued pursuant to this Resolution within six months after the effective date of this Resolution or prior to December 31, 1985, whichever first occurs, the authority of the City to issue the Bonds granted hereunder shall end; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any re-

quested extension of this Resolution. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 19. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved December 17, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 73

(Council No. 1113)

A RESOLUTION concerning

**THE ISSUANCE AND SALE BY THE MARYLAND INDUSTRIAL
DEVELOPMENT FINANCING AUTHORITY OF ITS ECONOMIC
DEVELOPMENT REVENUE BONDS FOR THE FACILITY (PROPERTY
LOCATED AT 601 LIGHT STREET IN BALTIMORE CITY, MARYLAND)**

FOR the purpose of approving the issuance and sale by the Maryland Industrial Development Financing Authority, pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act and the Maryland Industrial Development Financing Authority Act, of one or more series of its economic development revenue bonds in an aggregate principal amount not to exceed \$4,800,000 in order to provide financing for the acquisition (as defined in such Acts) by the Maryland Academy of Sciences, a private, non-profit 501(c)(3) Maryland corporation, of a facility (as defined in such Acts), which is to be located within the geographical boundaries and jurisdiction of Baltimore City, Maryland and will consist of and include (a) the acquisition of an IMAX theatre addition to the Maryland Science Center, (b) the acquisition of necessary or useful machinery and equipment, and (c) the acquisition of other necessary or suitable interests in land, including roads and rights of access, utilities and other necessary site preparation facilities, and which facility is to be used by the Maryland Academy of Sciences to expand and enhance its educational exhibits and programs in Baltimore City and the State of Maryland; specifying and describing such facility; generally describing the public purpose to be served by such facility; and specifying and describing various matters in connection therewith and relating generally thereto.

RECITALS

The Maryland Industrial Development Financing Authority Act, as amended (the "MIDFA Act"), provides that in order to accomplish the purposes of the MIDFA Act, the Maryland Industrial Development Financing Authority (the "Authority"), on behalf of the State of Maryland (the "State"), may issue and sell bonds as provided in and in accordance with the Maryland Economic Development Revenue Bond Act (the "Revenue Bond Act"). The MIDFA Act and the Revenue Bond Act are herein sometimes collectively referred to as the "Acts". The MIDFA Act further provides that the Authority may accomplish the acquisition of one or more facilities from the proceeds of the sale of its bonds by one or more of the methods described in the Revenue Bond Act.

Section 13-138 of the MIDFA Act provides that prior to the issuance and sale of bonds by the Authority, the legislative body of the county or municipality in which the facility to be financed with the proceeds of the bonds is to be located shall adopt a resolution which (a) is administrative in nature, is not subject to the procedures required for legislative acts and is not subject to referendum, (b) specifies and describes the facility, and (c) generally describes the public purpose to be served by the facility.

The Authority has adopted or will adopt a resolution providing for the issuance and sale by the Authority, pursuant to and in accordance with the Acts, of one or more series of its economic development revenue bonds in an aggregate principal amount not to exceed \$4,800,000 in order to provide financing for the acquisition (as defined in the Acts) by the Maryland Academy of Sciences, a private, non-profit 501(c)(3) Maryland Corporation (the "Applicant"), of a facility (as defined in the Acts), which is to be located within the geographical boundaries and jurisdiction of Baltimore City and is more particularly described in Section 2 of this Resolution (the "Facility").

The Applicant has requested the Mayor and City Council of Baltimore (the "City") to approve the issuance and sale by the Authority of its economic development revenue bonds in an aggregate principal amount not to exceed \$4,800,000, which amount is to be used for the sole and exclusive purpose of financing the costs of the acquisition of the Facility.

The City has determined, based upon the findings and determinations hereinafter set forth, that it is in the best interests of the citizens of the City that the City approve the financing of the costs of the acquisition of the Facility, by the Authority's issuance and sale pursuant to the Acts of one or more series of its economic development revenue bonds in an aggregate principal amount not to exceed \$4,800,000.

NOW, THEREFORE, PURSUANT TO AND IN ACCORDANCE WITH THE ACTS:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That all words and terms used in this Resolution (including the Recitals set forth above) that are defined or used in the Acts shall have the meanings indicated in the Acts, unless the context clearly requires a contrary meaning.

SEC. 2. *And be it further resolved*, That in accordance with Section 13-138(e)(2) of the MIDFA Act, the Facility consists of and includes:

(a) the construction of an IMAX theatre addition of approximately 15,000 square feet (the "Addition") to the building known as the Maryland Science Center on land already owned by the Applicant located at 601 Light Street in Baltimore City;

(b) the acquisition and installation in the Addition of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation of the Applicant's business; and

(c) the acquisition of such other necessary or suitable interests in land for the foregoing purposes, including roads and rights of access, utilities and other necessary site preparation facilities.

The Applicant will use the Facility to expand and enhance its educational exhibits and programs in the City and the State.

SEC. 3. *And be it further resolved*, That it is hereby found and determined that the Facility and the financial assistance to be provided by the Authority as provided in this Resolution will fulfill, accomplish and promote the declared public purposes of the Acts, which are (a) to relieve conditions of unemployment in the State; (b) to encourage the increase of industry and commerce and a balanced economy in the State; (c) to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State; (d) to promote economic development; and (e) to generally promote the health, welfare, and safety of the residents of each of the counties and municipalities of the State. Specifically, it is hereby found and determined that the acquisition of the Facility will (a) expand and enhance educational exhibits in the City and the State, (b) increase employment in the City by creating approximately 75 new jobs over two years, and (c) encourage growth and efficiency in the Applicant's operations. Accordingly, it is in the interest of the public welfare and purpose of the citizens of the State and of the City that the City approve the financing by the Authority of the cost of the acquisition of the Facility.

SEC. 4. *And be it further resolved*, That the City hereby approves any one or more of the following:

(a) the issuance and sale by the Authority at any time and from time to time, of one or more series of its economic development revenue bonds in an aggregate principal amount not to exceed \$4,800,000 (the "Bonds"), the proceeds of any series of which may be used by the Authority to make a loan to the Applicant, the proceeds of which loan shall be used by the Applicant to pay the costs of the acquisition of the Facility; and

(b) the acquisition of the Facility by the Applicant with funds other than the proceeds of the Bonds.

SEC. 5. *And be it further resolved*, That (a) the Bonds and the interest thereon will be limited obligations of the Authority, the principal of, premium, if any, and interest on which will be payable solely from revenues or moneys to be received in connection with the financing or refinancing of the Facility or from any other moneys made available to the Authority for such purpose, (b) the Bonds will not constitute an indebtedness to which the faith and credit of the State, the Department of Economic and Community Development of the State (the "Department"), the Authority, the City or any other public body is pledged, and (c) neither the Bonds nor the interest thereon shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the State, the Department, the Authority, the City, or any other public body and neither shall ever constitute or give rise to any pecuniary liability of the State, the Department, the Authority, the City or any other public body.

SEC. 6. *And be it further resolved*, That the Bonds shall be authorized, issued, sold and delivered without direct or indirect cost to the City, and to that end, the Applicant shall pay all necessary expenses of preparing, printing, selling and issuing the Bonds and all other costs contemplated and permitted by the Acts, including (without limitation) any and all costs, fees and expenses (including, with-

out limitation, any attorneys' fees) incurred by or on behalf of the City in connection with this Resolution or the publication of notices of any public hearings to be held in connection herewith, whether or not the proposed financing is consummated.

SEC. 7. *And be it further resolved*, That the adoption of this Resolution shall not in any way indicate the approval of, or constitute any commitment for approval by, the City or any of its officers or employees of, any license, permit, application or any other request to the City with respect to the acquisition and operation of the Facility.

SEC. 8. *And be it further resolved*, That no further action by the City is necessary to effect the financing of the acquisition of the Facility by the Authority or the completion of the transactions contemplated in this Resolution, including, without limitation, the issuance and sale of the Bonds.

SEC. 9. *And be it further resolved*, That in accordance with Section 13-138(e) of the MIDFA Act, this Resolution is administrative in nature, not subject to the procedures required for legislative acts and not subject to referendum.

SEC. 10. *And be it further resolved*, That this Resolution shall take effect from the date of its adoption.

Approved December 17, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 74

(Council No. 1112)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS -
BON SECOURS HOSPITAL BALTIMORE, INC. PROJECT

FOR the purpose of amending a resolution of the Mayor and City Council of Baltimore (the "City") adopted on December 2, 1985 authorizing the issuance, sale and delivery of the City's revenue bonds in aggregate principal not to exceed \$16,000,000, to an amount not to exceed \$19,000,000 and the lending of the proceeds thereof to Bon Secours Hospital Baltimore, Inc. to finance the acquisition of a Facility described in such resolution.

RECITALS

On December 2, 1985, the City Council adopted Bill No. 1046 (the "Authorizing Resolution") which provided for the issuance, sale and delivery of the City's Economic Development Revenue Bonds (the "Bonds") pursuant to the Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative

Supplement) (the "Act") in the aggregate principal amount not to exceed \$16,000,000 in order to lend or otherwise make available the proceeds thereof to Bon Secours Hospital Baltimore, Inc., a Maryland non-profit corporation (the "Corporation") for the purpose of financing the acquisition of the Facility described therein. Subsequent to the adoption of the Resolution, the Corporation discovered that the cost of acquisition of the Facility, including costs associated with the issuance, sale and delivery of the Bonds, will exceed \$16,000,000. Therefore, the Corporation hereby request that the City Council amend the Authorizing Resolution to provide for the increase of the aggregate principal amount of Bonds authorized from \$16,000,000 to \$19,000,000.

SECTION. 1. *Be it resolved by Mayor and City Council of Baltimore, That, the title of the Authorizing Resolution is hereby amended as follows:*

"A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS -
BON SECOURS HOSPITAL BALTIMORE, INC. PROJECT**

FOR the purpose of authorizing and providing for the issuance, sale and delivery by Mayor and City Council of Baltimore (the "City") of its revenue bonds in an aggregate principal amount not to exceed \$19,000,000 [16,000,000] pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement), or such other statutory authority as may be effective when such revenue bonds are issued, in order to lend or otherwise make available the proceeds thereof to Bon Secours Hospital Baltimore, Inc., a Maryland non-profit corporation (the "Corporation"), for the purpose of financing the costs of renovations to the Corporation's existing hospital, located at 2000 West Baltimore Street in the City of Baltimore and the acquisition of certain items of medical and office equipment for use in its hospital and necessary or useful equipment, furnishings, and other property; authorizing the acceptance of a letter of intent as evidence of the present intent of the City to issue such revenue bonds; making certain legislative findings, among others, concerning the public benefit and purpose of such revenue bonds; providing that the principal amount of such revenue bonds and the interest thereon (a) shall be payable solely from the revenues to be received in connection with the financing of such facilities and from any other money made available to the City for such purpose as provided in this Resolution, and (b) shall never constitute an indebtedness or a charge against the full faith and credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and shall never constitute or give rise to any pecuniary liability of the City; authorizing the private (negotiated) sale of such revenue bonds; authorizing the Mayor, as chief executive officer of the City, by executive order or otherwise, to specify, prescribe, determine, provide for and approve all other matters, details, forms, documents and procedures pertaining to the authorization, sale, security, issuance, delivery and payment of and for such revenue bonds; and generally providing for and determining various matters in connection with the authorization, issuance, sale, delivery, security and payment of such revenue bonds and the consummation of the transactions contemplated by this Resolution."

SEC. 2. *And be it further resolved*, That, Section 1(a) of the Authorizing Resolution is hereby amended as follows:

"(a) The City intends to issue and sell its revenue bonds, notes or other evidences of obligation authorized by the Act (the "Bonds") in an aggregate principal amount not to exceed \$19,000,000 [~~\$16,000,000~~] in order to lend or otherwise make available the proceeds thereof (the "Loan") to the Corporation for the purpose of financing the acquisition of the Facilities. The Facilities shall include such land or interests in land, buildings, structures, machinery, equipment, furnishings and other real or personal property as may be necessary or desirable in connection with the operation of the Facilities and as shall be specified in an executive order of the Mayor. The term "acquisition" shall have the meaning prescribed in the Act and shall include acquisition, construction, reconstruction, equipping, expansion, extension, improving, rehabilitation and remodeling. The term "acquisition" shall also include reimbursement of the Corporation for costs incurred prior to the issuance of the Bonds by the Corporation of acquisition and installation of certain medical and office equipment."

SEC. 3. *And be it further resolved*, That, Section 3 of the Authorizing Resolution is hereby amended as follows:

"SEC. 3. *And be it further resolved*, That, the City is hereby authorized to issue, sell and deliver the Bonds in an aggregate principal amount not to exceed *Nineteen Million Dollars (\$19,000,000)* [~~Sixteen Million Dollars (\$16,000,000)~~] pursuant to the Act or such other statutory authority as may be effective when the Bonds are issued. The proceeds of the Bonds shall be loaned or otherwise made available to the Corporation for the purpose of financing the acquisition of the Facilities, including (without limitation) the expenses of preparing, printing, selling and issuing the Bonds, the funding of any reserves in connection with the Bonds and the payment of interest prior to and during the period of acquisition of the Facilities and for such a limited period thereafter as may be determined by the Mayor by executive order in accordance with the further provisions of this Resolution within the limitations of the Act. The Bonds may be issued in one or more series.

The authority to issue the Bonds is intended to and shall include the authority to issue revenue refunding bonds, and references herein to the "Bonds" shall include revenue refunding bonds where appropriate. In the event that any revenue refunding bonds are issued, the outstanding principal amount of any "refunded bonds" (as hereinafter defined) shall not be taken into account in determining the aggregate principal amount of Bonds issued, sold and delivered hereunder. The term "refunded bonds" means any Bonds (i) for the payment of which (both principal and interest) provision has been made from the proceeds (including any earnings on the investment thereof) of Bonds issued pursuant to this Resolution or from moneys made available by the Corporation or (ii) which have been paid from such proceeds or such moneys, whether such provision for payment, or such payment, is made at or prior to the maturity of such Bonds."

SEC. 4. *And be it further resolved*, That the Authorizing Resolution shall remain in effect as previously adopted except as herein amended.

SEC. 5. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved December 18, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

Resolution No. 75

(Council No. 1048)

A RESOLUTION concerning

**GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL OF
BALTIMORE FOR THE BENEFIT OF JOE LOUIS GLADNEY IN
AN AMOUNT NOT TO EXCEED \$875,823 (PROPERTY LOCATED
AT 2301 SINCLAIR LANE IN BALTIMORE CITY) IN CONNECTION
WITH THE NEIGHBORHOOD PROGRESS ADMINISTRATION/DHCD
PRIVATE ACTIVITY BOND PROGRAM**

FOR the purpose of indicating the present intention of Mayor and City Council of Baltimore to participate in the financing, in an amount not to exceed \$875,823, of the acquisition by Joe Louis Gladney, an individual, of a certain facility in Baltimore City consisting of (a) the acquisition of a 4.32 acre tract of land located at 2301 Sinclair Lane in Baltimore City (the "Land"), (b) the renovation of existing office and shop buildings of approximately 2,000 square feet and 16,000 square feet, respectively, and the construction of four buildings of approximately 6,000 square feet, 4,000 square feet, 2,500 square feet and 7,500 square feet, respectively, on the Land (the "Buildings"), (c) the acquisition and installation in the Buildings of such machinery and equipment, including, but not limited to, thirteen new school buses, and any or all other improvements therein, as may be necessary or useful in connection with the operation of the Applicant's business and (d) the acquisition of such other interests in the land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities for use by Joe Louis Gladney in his business of bus transportation services; authorizing the Mayor of the City, on behalf of the City, to accept the letter of intent dated October 25, 1985 from Joe Louis Gladney to the City; making certain legislative findings; reserving in the City certain rights concerning the issuance of such Bonds; authorizing the Board of Finance of the City, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any series of such Bonds, to (a) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds; providing that Joe Louis Gladney shall agree to submit any plans and specifications to, and to coordinate with, the Neighborhood Progress Administration/DHCD in connection with the completion of such facility; authorizing the issuance of

notes in anticipation of the issuance of such revenue bonds; and generally providing for and determining various matters and details in connection with the issuance and sale of such bonds and bond anticipation notes.

RECITALS

Mayor and City Council of Baltimore (the "City") has received a letter of intent dated October 25, 1985 (the "Letter of Intent") from Joe Louis Gladney, an individual (the "Applicant"), requesting the City to participate in the financing of the cost of acquisition by the Applicant of (a) the acquisition of a 4.32 acre tract of land located at 2301 Sinclair Lane in Baltimore City (the "Land"), (b) the renovation of existing office and shop buildings of approximately 2,000 square feet and 16,000 square feet, respectively, and the construction of four buildings of approximately 6,000 square feet, 4,000 square feet, 2,500 square feet and 7,500 square feet, respectively, on the Land (the "Buildings"), (c) the acquisition and installation in the Buildings of such machinery and equipment, including, but not limited to, thirteen new school buses, and any or all other improvements therein, as may be necessary or useful in connection with the operation of the Applicant's business and (d) the acquisition of such other interests in the land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. As set forth in the Letter of Intent, the acquisition of the Facility will enable the Applicant to (a) maintain and relocate its industrial operations in the City, (b) relieve conditions of unemployment in the City and the State of Maryland (the "State"), (c) encourage the increase of industry in the City and the State, and (d) promote economic development and the health, welfare and safety of the residents of the City and the State. The Applicant requests that, pursuant to various provisions of the Constitution of Maryland, Acts of the General Assembly of Maryland, various Ordinances of the City and Article II Section (33) and Section (57) of the Charter of Baltimore City, 1964 Revision, as amended (collectively, the "Enabling Laws"), the City authorize, issue, sell, and deliver its bonds, in one or more series (the "Bonds") in connection with the Private Activity Bond Program (the "Private Activity Bond Program") of the Neighborhood Progress Administration/DHCD of the City ("NPA/DHCD"), in an aggregate principal amount not to exceed Eight Hundred Seventy-five Thousand Eight Hundred and Twenty-three Dollars (\$875,823). The Applicant intends to use the Facility in connection with the Applicant's business of bus transportation services.

The Letter of Intent expresses the Applicant's intention to make best efforts to use minority firms, as defined in Section 8-601 of Article 21 of the Annotated Code of Maryland, as amended, in the construction of the Facility or the provision of services or supplies with the proceeds of the Bonds.

The Letter of Intent further expresses the Applicant's intention that the interest payable on such bonds shall be exempt from federal income taxation pursuant to Section 103(b) of the Internal Revenue Code of 1954, as amended (the "Code"). The Applicant acknowledges in the Letter of Intent that Section 103(n) of the Code imposes a volume limitation on the dollar amount of Private Activity Bonds (as defined therein) which may be issued by any state, its agencies and political subdivisions. The Applicant further acknowledges (i) that Section 103(n) of the Code provides a formula for the allocation of the state volume limitation

but that each state by law enacted, and the Governor of each state on an interim basis, has the authority to provide a different formula for the allocation of such volume limitation, and (ii) that the Bonds will be subject to the volume cap of the State of Maryland and that the City cannot assure the Facility Applicant of any availability under the State's volume cap. In addition, the Letter of Intent contains an acknowledgement by the Applicant that the City reserves certain rights concerning the issuance of such bonds as provided in Section 5 hereof.

The Enabling Laws empower the City to make or contract to make, guarantee, or insure financial loans for commercial or industrial purposes from the proceeds of the City's general obligation bonds.

The Enabling Laws authorize and empower a majority of the Board of Finance of the City (the "Board") by resolution to determine and set forth the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, and to do any and all things necessary, proper or expedient in connection with the issuance and sale of the Bonds.

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That the City intends to participate in the financing of the acquisition of the Facility as described generally in the Letter of Intent.

SEC. 2. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution indicates the present intent of the City to provide assistance in such financing pursuant to the Private Activity Bond Program in an amount not to exceed Eight Hundred Seventy-five Thousand Eight Hundred and Twenty-three Dollars (\$875,823), by authorizing the issuance, sale and delivery of its Bonds pursuant to the Enabling Laws and by lending the proceeds thereof to the Applicant for the purpose of financing the acquisition of the Facility, directly or by reimbursement, and paying the necessary expenses or preparing, printing and selling the Bonds, and any other costs permitted by the Enabling Laws, all in accordance with the Enabling Laws.

SEC. 3. *And be it resolved by Mayor and City Council of Baltimore*, That based on information provided to the City by the Applicant, the City has considered (a) the availability or feasibility of conventional financing on reasonable terms to finance the Facility, (b) the competitive effect of the issuance of the Bonds on other business entities conducting business activities similar to those of the Applicant within the jurisdiction of the City, and (c) the necessity for the issuance of the Bonds for competitive economic development purposes to ensure job opportunities and to provide for a sufficient tax base.

SEC. 4. *And be it further resolved by Mayor and City Council of Baltimore*, That any and all of the Bonds, and any notes or other obligations, shall be general obligations of the City and shall be a pledge of and involve the faith and credit and the taxing power of the City.

SEC. 5. *And be it resolved by Mayor and City Council of Baltimore*, That the Mayor of the City hereby is authorized to accept the Letter of Intent on behalf of

the City to evidence further the present intent of the City to issue the Bonds in accordance with the terms and provisions of this Resolution and the City intends that the adoption of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of the Treasury pursuant to Section 103 of the Code, indicative of the willingness and bona fide present intent of the City to authorize the issuance, sale and delivery of the Bonds and as an inducement to the Applicant (i) to proceed with the acquisition of the Facility in the City as permitted by the Enabling Laws, and (ii) to engage in business in the City; provided, however, that, as more fully provided in Section 6 hereof, (1) this Resolution is not and does not constitute a commitment of the City to issue the Bonds, and (2), if the Applicant proceeds with the acquisition of the Facility prior to the making of a loan by the City to the Applicant under the Private Activity Bond Program in the amount of the Bonds, the Applicant does so at its own risk.

SEC. 6. *And be it resolved by Mayor and City Council of Baltimore*, That the City reserves the right, in its sole and absolute discretion, to take any actions deemed necessary by the City to ensure that the City (a) complies with present federal and State laws which may restrict the issuance of industrial development bonds (including, without limitation, Section 103(n) of the Code), and (b) issues its bonds (within the meaning of the Enabling Laws, Section 103(n) of the Code, and any present or future State and local laws), within the limits imposed by any such laws, to finance those facilities which the City determines, in its sole and absolute discretion, will provide the greatest benefit to the City.

In particular, since the City may be limited by volume cap limitations in its ability to issue tax-exempt Private Activity Bonds, the City reserves the right to choose to issue its bonds (within the meaning of the Enabling Laws and any present or future State and local laws) for facilities other than the Facility, in such order of priority as it may determine in its sole and absolute discretion.

Pursuant to the provisions of this Section 6, the City reserves the right, in its sole and absolute discretion, to, among other things, (1) never issue the Bonds, (2) issue only a portion of the aggregate principal amount of the Bonds requested by the Applicant, (3) restrict the use of the proceeds of the Bonds, (4) delay indefinitely the issuance of the Bonds, or (5) take any other actions deemed necessary by the City, in its sole and absolute discretion, to insure that the City achieves the goals set forth in the preceding paragraph.

SEC. 7. *And be it resolved by Mayor and City Council of Baltimore*, That, as permitted by the Enabling Laws, the Board shall, by a resolution or resolutions adopted prior to the issuance, sale and delivery of any of the Bonds:

(a) approve the issuance of the Bonds;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time or times of issuance, and any and all other details of the Bonds and the issuance and sale thereof, all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of the Bonds.

SEC. 8. *And be it resolved by Mayor and City Council of Baltimore*, That the Applicant shall agree that:

(a) it will submit any plans and specifications for the Facility to NPA/DHCD for approval, and that NPA/DHCD may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) it and its developers will work with the design advisory group appointed by NPA/DHCD to achieve high quality site, building, and landscape design.

SEC. 9. *And be it further resolved by Mayor and City Council of Baltimore*, That the authority to issue the Bonds is intended and shall be deemed to include the authority to issue bond anticipation notes pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (1983 Replacement Volume and 1984 Supplement), as amended (the "Bond Anticipation Note Enabling Legislation"). Reference in this Resolution to the "Bonds" shall include such bond anticipation notes where appropriate. The maturity of such bond anticipation notes shall not exceed twelve years from the date of issuance of such bond anticipation notes. Prior to the issuance, sale and delivery of any series of bonds anticipation notes, the Board shall adopt a resolution or resolutions to:

(a) approve the issuance of such bond anticipation notes;

(b) prescribe, among other things but not limited to, the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time to times of issuance, and any and all other details of such bonds anticipation notes and the issuance and sale thereof all as more fully provided by the Enabling Laws; and

(c) do any and all things necessary, proper or expedient in connection with the issuance, sale and delivery of such bond anticipation notes.

Such bond anticipation notes may be sold by private negotiation with a prospective purchaser or purchasers, and under such terms as approved by the Board, and the City hereby determines such private negotiation to be in the best interests of the City. Such bond anticipation notes may be sold in series as funds are required and may be renewed at maturity with or without resale.

In accordance with the Bond Anticipation Note Enabling Legislation, the City hereby covenants to pay any bond anticipation notes issued pursuant to this Section of this Resolution and the interest thereon from the proceeds of the Bonds in anticipation of the sale of which such notes are issued, and the City hereby further covenants to issue such Bonds, as the case may be, when, and as soon as, the reason for deferring the issuance of the Bonds no longer exists. The timely issuance of such Bonds, however, is dependent upon matters not within the control of the City, including (without limitation) the existence of a purchaser or purchasers for such Bonds at the time the reason for deferring the issuance of the Bonds no longer exists and the effectiveness of various actions taken by the Applicant, its officers, agents and employees.

SEC. 10. *And be it resolved by Mayor and City Council of Baltimore*, That, as required by Section 103(n)(12)(A) of the Code, each member of the City Council of the City who voted in favor of the passage of this Resolution, by such vote, and the Mayor of the City, by his approval of this Resolution, hereby individually certifies under penalty of perjury that any allocation by the City of any State volume limitation on the aggregate amount of "private activity bonds" (as defined in the Code) which can be issued by the State, its agencies and political subdivisions, established pursuant to Section 103(n) of the Code, was not made in consideration of any bribe, gift, gratuity or direct or indirect contribution to any political campaign.

SEC. 11. *And be it resolved by Mayor and City Council of Baltimore*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 12. *And be it resolved by Mayor and City Council of Baltimore*, That this Resolution shall be of an administrative nature and shall take effect from the date of its passage.

Approved December 27, 1985

WILLIAM DONALD SCHAEFER, Mayor.

Resolution No. 76

(Council No. 1081)

A RESOLUTION concerning

ECONOMIC DEVELOPMENT REVENUE BONDS –
MARYLAND GENERAL HOSPITAL, INC. PROJECT)

FOR the purpose of authorizing and providing for the issuance, sale and delivery by Mayor and City Council of Baltimore (the "City") of its revenue bonds in an aggregate principal amount not to exceed \$23,140,000 pursuant to the provisions of the Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement), or such other statutory authority as may be effective when such revenue bonds are issued in order to lend or otherwise make available the proceeds thereof to Maryland General Hospital, Inc., a Maryland non-profit corporation (the "Corporation"), for the purpose of financing the costs of the renovation and modernization of the Corporation's existing facilities, located at 827 Linden Avenue, Baltimore, Maryland 21201; authorizing the acceptance of a letter of intent as evidence of the present intent of the City to issue such revenue bonds; making certain legislative findings, among others, concerning the public benefit and purpose of such revenue bonds; providing that the principal amount of such revenue bonds and the interest thereon (a) shall be payable solely from the revenues to be received in connection with the financing of such facilities and from any other money made available to the City for such purpose as provided in this Resolution, and (b) shall never constitute an indebtedness or a charge against the full faith and credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and shall never constitute or give rise to any pecuniary liability of the City; authorizing the private (negotiated) sale of such revenue bonds; authorizing the Mayor, as chief executive officer of the City, by executive order or otherwise, to specify, prescribe, determine, provide for and approve all other matters, details, forms, documents and procedures pertaining to the authorization, sale, security, issuance, delivery and payment of and for such revenue bonds; and generally providing for and determining various matters in connection with the authorization, issuance, sale, delivery, security and payment of such revenue bonds and the consummation of the transactions contemplated by this Resolution.

RECITALS

The Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement) (the "Act") empowers the counties and municipalities of the State of Maryland to borrow money by issuing revenue bonds for the purpose of financing and refinancing the costs of "acquisition" of one or more "facilities" for one or more "facility users" (as such terms are defined in the Act). Among the declared legislative purposes of the Act are the relief of conditions of unemployment in the State of Maryland (the "State"), the en-

couragement of the increase of industry and commerce and a balanced economy in the State, the promotion of economic development and the promotion of the health, welfare and safety of the residents of each of the counties and municipalities of the State.

Maryland General Hospital, Inc., a Maryland non-profit corporation (the "Corporation"), has submitted a letter of intent (the "Letter of Intent") to the City in which the Corporation requested the City to issue its revenue bonds in a principal amount not exceeding \$23,140,000 and to loan the proceeds thereof to the Corporation in order to finance the costs of acquisition of the facilities described below (the "Facilities").

The Facilities will consist generally of renovations to and modernization of the Corporation's facilities, the acquisition and installation of any and all equipment, furnishings and other improvements as may be necessary or useful in connection with the renovation and modernization of such facilities and the acquisition of such other interests in land as may be necessary or useful for the foregoing, including roads and rights of access, utilities and other necessary site preparation.

The City has determined to authorize the issuance of its revenue bonds pursuant to the Act to finance the Facilities upon the terms and conditions of this Resolution.

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore, That, acting pursuant to the Act, it is hereby found and determined as follows:*

(a) The City intends to issue and sell its revenue bonds, notes or other evidences of obligation authorized by the Act (the "Bonds") in an aggregate principal amount not to exceed \$23,140,000 in order to lend or otherwise make available the proceeds thereof (the "Loan") to the Corporation for the purpose of financing the acquisition of the Facilities. The Facilities shall include such land or interests in land, buildings, structures, machinery, equipment, furnishings and other real or personal property as may be necessary or desirable in connection with the operation of the Facilities and as shall be specified in an executive order of the Mayor. The term "acquisition" shall have the meaning prescribed in the Act and shall include acquisition, construction, reconstruction, equipping, expansion, extension, improving, rehabilitation and remodeling. The term "acquisition" shall also include reimbursement of the Corporation for costs incurred prior to issuance of the Bonds by the Corporation relating to the Facilities.

(b) The Facilities constitute "facilities" within the meaning of the Act. The Corporation constitutes a "facility applicant" and a "facility user" within the meaning of the Act, as evidenced by the Letter of Intent.

(c) The issuance, sale and delivery of the Bonds will promote and expedite the acquisition of the Facilities. The accomplishment of the transactions contemplated and authorized by this Resolution, including (without limitation) the acquisition of the Facilities and the financing thereof, will promote the declared legislative purposes of the Act by relieving conditions of unemployment in the City and the State, encouraging the increase of industry and commerce and a balanced economy in the City and the State, assisting in the retention of existing

industry and commerce and in the attraction of new industry and commerce in the City and the State, promoting economic development and generally promoting the health, welfare and safety of the residents of the City and the State.

(d) The principal of, and premium, if any, and interest on the Bonds shall never constitute an indebtedness or a charge against the full faith and credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation and shall never constitute or give rise to any pecuniary liability of the City. The Bonds shall be limited obligations of the City, the principal of, and premium, if any, and interest on which shall be payable solely from and secured solely by a pledge of (1) the revenues from or arising in connection with the Facilities, (2) the revenues from or arising in connection with any contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, (3) the contracts, mortgages or other securities purchased or otherwise acquired with the proceeds of the Bonds, or (4) any combination of (1), (2) or (3) above, and any other moneys made available to the City for such purpose, all as more particularly prescribed by the Mayor by an executive order or orders issued prior to the issuance, sale and delivery of the Bonds in accordance with the further provisions of this Resolution.

(e) Neither the proceeds of the Bonds nor the payments on account of the principal of and premium, if any, and interest on the Bonds will be commingled with the City's funds or subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable to ensure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution.

SEC. 2. *And be it further resolved*, That the Mayor is hereby authorized to accept, on behalf of the City, the Letter of Intent to evidence the City's intent to issue the Bonds as provided in this Resolution. The City contemplates that the Corporation may proceed with the acquisition of the Facilities prior to the issuance of the Bonds.

SEC. 3. *And be it further resolved*, That the City is hereby authorized to issue, sell and deliver the Bonds in an aggregate principal amount not to exceed Twenty-Three Million One Hundred and Forty Thousand Dollars (\$23,140,000) pursuant to the Act or such other statutory authority as may be effective when the Bonds are issued. The proceeds of the Bonds shall be loaned or otherwise made available to the Corporation for the purpose of financing the acquisition of the Facilities, including (without limitation) the expenses of preparing, printing, selling and issuing the Bonds, the funding of any reserves in connection with the Bonds and the payment of interest prior to and during the period of acquisition of the Facilities and for such a limited period thereafter as may be determined by the Mayor by executive order in accordance with the further provisions of this Resolution within the limitations of the Act. The Bonds may be issued in one or more series.

The authority to issue the Bonds is intended to and shall include the authority to issue revenue refunding bonds, and references herein to the "Bonds" shall include revenue refunding bonds where appropriate. In the event that any revenue refunding bonds are issued, the outstanding principal amount of any "refunded

bonds" (as hereinafter defined) shall not be taken into account in determining the aggregate principal amount of Bonds issued, sold and delivered hereunder. The term "refunded bonds" means any Bonds (i) for the payment of which (both principal and interest) provision has been made from the proceeds (including any earnings on the investment thereof) of Bonds issued pursuant to this Resolution or from moneys made available by the Corporation or (ii) which have been paid from such proceeds or such moneys, whether such provisions for payment, or such payment, is made at or prior to the maturity of such Bonds.

SEC. 4. *And be it further resolved*, That, the Mayor, as chief executive officer of the City, is hereby authorized to specify, prescribe, determine, provide for or approve, all within the limitations of this Resolution and the Act, all matters, details, forms, documents and procedures pertaining to the sale, security, issuance, delivery and payment of or for the Bonds, including (without limitation):

(a) the principal amount of Bonds to be issued at any one time and from time to time, the rate or rates of interest thereon, the date or dates of maturity thereof, the payment provisions therefor, the prepayment, sinking fund and redemption provisions (if any) thereof, the designation or designations of the Bonds of each series and the date or dates of issuance thereof;

(b) the form, tenor, and conditions of the Bonds, and provisions for the registration and transfer of the Bonds (if any);

(c) the form and contents of, and provisions for the execution and delivery of, such financing documents as the Mayor shall deem necessary or desirable to evidence, secure or effectuate the Loan and the issuance, sale and delivery of the Bonds, including (without limitation) any loan agreements, notes, mortgages, security agreements, guarantees, financing agreements or escrow agreements;

(d) provision for the payment directly by the Corporation of all expenses of preparing, printing and selling the Bonds, including (without limitation) any and all costs, fees and expenses incurred by or on behalf of the City in connection with the authorization, issuance, sale and delivery of the Bonds, and all costs incurred in connection with the development of the appropriate legal documents, including (without limitation) the fees of counsel to the City and compensation to any persons (other than full-time employees of the City) or entities performing services for or on behalf of the City in connection therewith and in connection with all other transactions contemplated by this Resolution, whether or not the proposed financing is consummated;

(e) the creation of security for the Bonds and provision for the administration of the Bonds, including (without limitation) the appointment of such trustees, escrow agents, paying agents, registrars or other agents as the Mayor shall deem necessary or desirable to effectuate the transactions authorized hereby;

(f) the preparation and distribution, in conjunction with representatives of the Corporation and the prospective purchasers of or underwriters for the Bonds of any series, both a preliminary and a final official statement, placement memorandum or offering circular in connection with the sale of the Bonds of any series, if such preliminary and final official statement, placement memorandum or offering circular are determined to be necessary or desirable for the sale of the Bonds of such series;

(g) the form and content of, and provisions for the execution and delivery of, a contract or contracts for the purchase and sale of the Bonds of any series (or any portion thereof); and

(h) such other matters in connection with the authorization, issuance, execution, sale, delivery and payment of the Bonds and the security for the Bonds and the Loan and the consummation of the transactions contemplated by this Resolution as may be deemed appropriate and approved by the Mayor, including (without limitation) establishing procedures for the execution, acknowledgement, sealing and delivery of such other and further agreements, documents and instruments, and the authorization of the officials of the City to take any and all actions, as are or may be necessary or appropriate to consummate the transactions contemplated by this Resolution in accordance with the Act and this Resolution.

The Mayor, as chief executive officer of the City, is authorized to prescribe procedures to facilitate the prompt determination and approval of one or more of the matters set forth above. Such procedures may include telephonic approval and subsequent telegraphic or written confirmation of one or more of such matters by a designated officer of the City within guidelines or parameters prescribed by the Mayor. The Mayor is further authorized (1) to establish procedures for the utilization of variable or floating rates of interest, (2) to enter into arrangements with a bank or other appropriate institution to facilitate the purchase, repurchase, sale, transfer or payment of Bonds, including (without limitation) the use of general or standby letters of credit, revolving credit facilities, repurchase agreements or other similar arrangements, and (3) to take such actions as may be necessary to implement a program for the issuance of Bonds in the nature of commercial paper, demand notes and floating rate obligations.

Each executive order issued pursuant to this Resolution shall be deemed to be of an administrative nature and shall be effective upon the effective date specified therein.

SEC. 5. *And be it further resolved*, That, as permitted by the Act, the Bonds shall be sold at private (negotiated) sale and at par, unless the Mayor deems it to be in the best interests of the City to sell the Bonds at public sale or above or below par, in which event the Bonds shall be sold in such manner, at such price or prices and upon such terms as the Mayor deems to be in the best interests of the City. The Bonds shall be sold at such times and on such dates as the Mayor may determine. The Bonds shall be sold to one or more persons, firms or corporations (including banks or other financial institutions) as determined by the Mayor with the consent of the Corporation.

SEC. 6. *And be it further resolved*, That the Bonds shall be executed in the name of the City and on its behalf by the manual or facsimile signature of the Mayor and the manual or facsimile signature of the Custodian or Alternate Custodian of the City Seal, and the seal of the City or a facsimile thereof shall be affixed thereto. In case any official of the City whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such official before the delivery of the Bonds or any of the aforesaid documents, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such official had remained in office until delivery.

SEC. 7. *And be it further resolved*, That the Corporation shall agree that:

(a) It will submit any plans and specifications for the Facilities to the Department of Housing and Community Development for approval, with the understanding that the Department of Housing and Community Development may consider, without limitation: the economic feasibility of any construction and the suitability of any site plan, architectural treatment, building plans, elevations, materials, color, construction details, access, parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, streets, sidewalks and harmony between the plans and the surroundings of the Facilities and that the Department of Housing and Community Development may refuse approval of any such plans and specifications for aesthetic or functional reasons; and

(b) The Corporation and its developers will work with the design advisory group appointed by the Department of Housing and Community Development in order to achieve high quality site, building and landscape design.

SEC. 8. *And be it further resolved*, That, if no Bonds are issued and sold within six months from the effective date of this Resolution, the authorization provided in this Resolution for the City to issue and sell the Bonds shall expire; provided, however, that the Board of Finance, after a showing of good cause at a public hearing held before the Board of Finance, may extend such authorization for one additional term not to exceed six months. The Board of Finance, in their sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Resolution. If an extension is granted, notice of such extension and the reasons therefor shall be sent to the City Council.

SEC. 9. *And be it further resolved*, That, the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part thereof shall be held to be illegal, invalid or unconstitutional or inapplicable to any person, entity or circumstances, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Resolution or their application to other persons, entities or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been adopted if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included therein, and if the person, entity or circumstances to which this Resolution or any part thereof is inapplicable had been specifically exempted therefrom; provided, however, that neither the principal of or premium, if any, nor the interest on the Bonds shall ever constitute an indebtedness of the City or a charge against the general credit or taxing powers of the City within the meaning of any constitutional or charter provision or statutory limitation or shall ever constitute or give rise to any pecuniary liability of the City.

SEC. 10. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved December 27, 1985

WILLIAM DONALD SCHAEFER, Mayor.

Resolution No. 77

(Council No. 1083)

A RESOLUTION concerning

**ECONOMIC DEVELOPMENT REVENUE BONDS—
(UNIVERSITY WEST LIMITED PARTNERSHIP PROJECT)**

FOR the purpose of authorizing and empowering the Mayor and City Council of Baltimore (The "City") to issue, sell and deliver, at any time or from time to time and in one or more series, as limited obligations of the City and not upon its full faith and credit, its economic development revenue bonds, to be designated "Baltimore City, Maryland Economic Development Revenue Bonds (University West Limited Partnership Project)", in the aggregate principal amount not to exceed \$2,250,000, pursuant to Sections 266A to 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement), as amended, for the sole and exclusive purpose of financing the costs, charges, fees and expenses in connection with one or more of the following: (i) the acquisition by University West Limited Partnership, a Maryland limited partnership (the "Borrower") of an approximately 88,000 square foot tract of land located at 104-106 West University Parkway in Baltimore City, MD 21218 (the "Land"), (ii) the renovation of two buildings containing approximately 76 residential rental units on the land, known as 104-106 University Parkway (collectively, the "Building"), (iii) the acquisition and installation in the building of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation of the business, (iv) the acquisition of such other interests in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities, and (if necessary) the funding of reserves and payment of interest on such bonds, said facility to be owned by the Borrower and leased to various residential tenants; making certain legislative findings; authorizing the loan of the proceeds of the Bonds to the Borrower; authorizing and empowering the Board of Finance of the City, prior to the issuance, sale and delivery of such Bonds, to adopt a Resolution pursuant to which the Board of Finance shall (a) specify, prescribe, determine, provide for or approve certain details, forms, documents or procedures in connection with the bonds issued hereunder and the loan of the proceeds of such bonds to the borrower and any other matters necessary or desirable in connection with the authorization, issuance, sale, and payment of such revenue bonds, including, but not limited to, the form, terms, provisions, manner or method of issuing and selling, and the time or times of issuance, and any and all other details of such bonds, and (b) do any and all things necessary, proper or expedient in connection with the issuance and sale of such bonds and, in the alternative, that the Mayor of the City shall be authorized to approve, by Executive Order, all matters delegated for approval to the Board of Finance;

Authorizing the Mayor of the City to accept the letter of intent from the Borrower dated October 31, 1985; providing that the authorization for the issuance of Bonds hereunder shall be of limited duration and for one six month

extension of such authorization; and generally providing for and determining various matters and details in connection with the authorization, issuance, security, sale and payment of such Bonds.

RECITALS

The Maryland Economic Development Revenue Bond Act, Sections 266A through 266-I, inclusive, of Article 41 of the Annotated Code of Maryland (1982 Replacement Volume and 1985 Cumulative Supplement) (the "Act") constitutes those provisions of Maryland law authorizing the issuance of industrial development revenue bonds by all the counties and municipalities of the State of Maryland (the "State").

The Act empowers the counties and municipalities of the State to issue revenue bonds, bond anticipation notes, notes in the nature of commercial paper and other instruments, certificates or evidences of obligation and to loan the proceeds of the sale of such revenue bond to a facility applicant (as defined in the Act) to finance the acquisition (as that term is defined in the Act) by such facility applicant of a facility (as that term is defined in Section 266A of the Act). The Act declares it to be its legislative purpose to relieve conditions of unemployment in the State, to encourage the increase of industry and commerce and a balanced economy in the State, to assist in the retention of existing industry and commerce and in the attraction of new industry and commerce in the State through, among other things, port development and the control, reduction or abatement of pollution of the environment and the utilization and disposal of wastes (where the proceeds of such bonds are used for such purpose), to promote economic development, to protect natural resources and encourage resource recovery and, generally, to promote the health, welfare and safety of the residents of each of the counties and municipalities of the State.

The City has received a letter of intent (as contemplated by Section 266A(h) of the Act) dated October 31, 1985 (the "Letter of Intent"), from University West Limited Partnership, a Maryland limited partnership and a facility applicant (as defined in the Act) (hereinafter referred to as the "Borrower") pursuant to which the Borrower has requested the City to participate in the financing of the acquisition (within the meaning of the Act) by the Borrower of a facility (within the definition of the Act) to be located in Baltimore City, Maryland (the "Facility") by the issuance and sale by the City of its Baltimore City, Maryland Economic Development Revenue Bonds (University West Limited Partnership Project) (the "Bonds"), in an aggregate principal amount not exceeding \$2,250,000, and by loaning the proceeds of the Bonds to the Borrower upon the terms and conditions of one or more loan or other agreements to be entered into between the City and the Borrower (collectively, the "Loan Agreement"), as permitted by the Act (such loan being herein referred to as the "Loan"). The Borrower has indicated its intention to use its best efforts to utilize the services of minority firms in the acquisition of the Facility.

The Facility will consist generally of the following (i) the acquisition of an approximately 88,000 square foot tract of land located at 104-106 West University Parkway in Baltimore City, MD 21218 (the "Land"), (ii) the renovation of two buildings containing approximately 76 residential rental units on the Land,

known as 104-106 University Parkway (collectively, the "Building"), (iii) the acquisition and installation in the Building of such machinery and equipment, and any or all other improvements therein, as may be necessary or useful in connection with the operation of the business, and (iv) the acquisition of such other interest in land as may be necessary or suitable for the foregoing, including roads and rights of access, utilities and other necessary site preparation facilities. It is intended that the Borrower will lease the Facility to various residential tenants and that the Borrower will set aside units for low and moderate income tenants as required under Section 103(b)(4)(A) of the Internal Revenue Code of 1954, as amended.

The City has determined to accept the Letter of Intent, to issue and sell Bonds in an aggregate principal amount not exceeding \$2,250,000 and to lend the proceeds of the Bonds to the Borrower on the terms and conditions to be set forth in the Loan Agreement in order to help finance the acquisition of the Facility by the Borrower.

As security for the Bonds, the City will, for each series of the Bonds, enter into either (a) a Trust Agreement (the "Trust Agreement") with a corporate trustee (the "Trustee") to be appointed by the Board of Finance of the City (the "Board") or the Mayor of the City (the "Mayor") as provided herein or (b) an Assignment and Security Agreement or Loan and Financing Agreement or other similar agreement (the "Assignment") with the original purchaser of the Bonds (the "Original Purchaser"), and, if appropriate, a trustee or trustees (which may be the Original Purchaser) (collectively, the "Project Fund Trustee"). Pursuant to the Trust Agreement or the Assignment, the City will assign to the Trustee or, if the Assignment is entered into, the Original Purchaser or other applicable party, its successors and assigns, (among other things) (a) all of the City's right, title and interest in and to and remedies under the Loan Agreement, including (without limitation) all security referred to therein, excepting only the rights of the City to indemnification by the Borrower and to payments to the City for expenses incurred by the City itself, (b) the receipts and revenues of the City from the Loan, (c) certain moneys which are at any time or from time to time on deposit with the Trustee or the Project Fund Trustee, and (d) all right, title and interest in and to and remedies with respect to any and all other property of every description and nature from time to time by delivery or by writing of any kind conveyed, pledged, assigned or transferred, as and for additional security for the Bonds.

The Trust Agreement or the Assignment and the Loan Agreement may be combined into one agreement (a "Financing Agreement"). All references to Trust Agreement, Assignment and Loan Agreement herein shall also mean and refer to a Financing Agreement.

NOW THEREFORE, IN ACCORDANCE WITH THE ACT:

SECTION 1. *Be it resolved by Mayor and City Council of Baltimore*, That acting pursuant to the Act, it is hereby found and determined as follows:

(a) The issuance of the Bonds by the City pursuant to the Act in order to loan the proceeds thereof to the Borrower for the sole and exclusive purpose of financing the Borrower's acquisition (as that term is used in the Act) of the Facility

and to pay the costs of preparing, printing and selling the Bonds, to fund reserves, to pay interest on the Bonds and to pay other costs permitted by the Act, will facilitate and expedite the acquisition of the Facility by the Borrower.

(b) The accomplishment of the transactions contemplated and authorized by this Resolution will (i) sustain jobs and employment opportunities and aid in maintaining employment, thus relieving conditions of unemployment in the State and in the City; (ii) encourage the increase of industry and commerce and a balanced economy in the State and in the City; (iii) promote economic development; (iv) provide improved housing to the residents of the City, including low and moderate income tenants; and (v) generally promote the health, welfare and safety of the residents of the State and of the City.

(c) In addition to authorizing the City itself to acquire the Facility and either to lease or to sell such Facility to the Borrower or to otherwise accomplish the financing of the acquisition, the Act also authorizes the financing of the Facility to be accomplished in the form of a loan to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds. The loan form of transaction avoids indirect costs and burdens on the City by not requiring any direct involvement by the City in the construction, ownership or administration of the Facility; it permits, however, controls to be imposed on the use of the proceeds of the sale of the Bonds to insure that the public purposes of the Act and the Bonds are fully accomplished. It is, therefore, in the best interests of the citizens of the City to finance the acquisition of the Facility by a loan of the Bond proceeds to the Borrower and the acquisition of the Facility by the Borrower with the loan proceeds.

(d) Neither the Bonds nor the interest thereon shall ever constitute a pledge of, or involve the faith and credit or the taxing power of, the City, and neither shall constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the sale or issuance of bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds and the interest thereon shall be limited obligations of the City and shall be fully negotiable, repayable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan, and from any other moneys made available to the City for such purposes. The proceeds of the Bonds will be paid directly to (a) the Trustee to be held and disbursed by the Trustee as provided in the Trust Agreement or (b) if deemed appropriate by the Board or the Mayor, by the Project Fund Trustee as provided in the Assignment or, (c) if deemed appropriate by the Board or the Mayor, the Borrower. Payments of the principal of and premium (if any) and interest on the Loan will be paid by the Borrower directly to the Trustee as provided in the Trust Agreement or to the Original Purchaser, its successors and assigns, as provided in the Assignment, to be approved by the Board or the Mayor. No such moneys will be commingled with the City's funds or will be subject to the absolute control of the City, but will be subject only to such limited supervision and checks as are deemed necessary or desirable by the City to insure that the proceeds of the Bonds are used to accomplish the public purposes of the Act and this Resolution. The loan form of the transaction authorized hereunder shall in no event constitute a capital project within the meaning of any charter or statutory provision. The public purposes expressed in the Act are to be

achieved by facilitating the acquisition and installation of the Facility by the Borrower.

(e) The security for the Bonds shall be solely and exclusively (a) the absolute, irrevocable and unconditional obligation of the Borrower to make the payments required by the Loan Agreement, (b) moneys realized from the liquidation of any lien and security interest created by the Loan Agreement and of any other lien or security interest created with respect to any property as security for the Loan or the revenue bonds as the Board may provide for and approve in a resolution or as the Mayor may approve, (c) revenues from or arising in connection with securities or contracts purchased or otherwise acquired with or in connection with the Bonds and (d) moneys realized from any guaranty of the revenue bonds or of the Loan as the Board or the Mayor may approve.

SEC. 2. *And be it further resolved*, That the City is hereby authorized and empowered to issue, sell and deliver, at any time or from time to time and in one or more series, and as limited obligations of the City and not upon its full faith and credit, its Baltimore City, Maryland Economic Development Revenue Bonds (University West Limited Partnership Project), in the aggregate principal amount not to exceed \$2,250,000, subject to the provisions of this Resolution.

SEC. 3. *And be it further resolved*, That each of the Bonds shall bear the descriptive title "Baltimore City, Maryland Economic Development Revenue Bond (University West Limited Partnership Project)", provided that the descriptive title may contain such other descriptive information as the Board may prescribe in the Resolution or the Mayor may prescribe (e.g., "1985 Series"). The Bonds shall bear interest at the rate or rates of interest to be determined by negotiation with the original purchaser or purchasers of the Bonds and to be approved and prescribed by the Board or the Mayor as provided herein.

SEC. 4. *And be it further resolved*, That the definitive Bonds, which may be engraved, printed or typewritten, including the Trustee's certificate of authentication if any, to be endorsed thereon, shall be in such form, not inconsistent with the Act and the provisions of this Resolution, as the Board or the Mayor may approve.

SEC. 5. *And be it further resolved*, That the Bonds shall be executed in the name of the City and on its behalf by the Mayor of the City, by his manual or facsimile signature, and the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal, by his manual or facsimile signature, as permitted by law. The Loan Agreement, the Trust Agreement or the Assignment and, where applicable, all other documents as the Board shall deem necessary to effectuate the issuance, sale and delivery of the Bonds, shall be executed in the name of the City and on its behalf by the Mayor of the City by his manual or facsimile signature, and, if applicable, the corporate seal of the City or a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by a Custodian of the City Seal by his manual or facsimile signature, as required by law. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds or any of the aforesaid documents shall cease to be such officer before the delivery of the

Bonds or any of the other aforesaid documents, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. The Mayor of the City, the Custodian of the City Seal and other officials of the City are hereby authorized and empowered to do all such acts and things and execute such documents and certificates as the Board or the Mayor may determine to be necessary to carry out and comply with the provisions hereof.

SEC. 6. *And be it further resolved*, That the Bonds shall be executed, issued and delivered at any time or from time to time and in one or more series and in such amount or amounts not exceeding, in the aggregate, the principal amount of \$2,250,000 as the Board or the Mayor shall prescribe.

SEC. 7. *And be it further resolved*, That the Bonds shall be dated, shall be in such denominations, shall be of such form and tenor, and shall be payable in such amounts, at such times and at such place or places as the Board or the Mayor shall prescribe.

SEC. 8. *And be it further resolved*, That prior to the issuance, sale and delivery of the Bonds, the Board shall adopt a resolution pursuant to which the Board is hereby authorized to specify, determine, provide for or approve, all or any of the following matters, details, forms, documents or procedures in connection with the Loan and the Bonds:

(a) The terms and provisions of the Bonds, including, without limitation, the principal amount of the Bonds, the maturity or maturities of the Bonds, the rate or rates of interest the Bonds are to bear and the redemption provisions of the Bonds;

(b) The form and tenor of the Bonds, including the determination as to whether the Bonds shall be issued in one or more series, the form in which the Bonds are issued, and the designation of each series of Bonds;

(c) The terms and provisions and form of the Loan Agreement between the City and the Borrower and the terms and provisions and form of any notes or other evidences of obligation issued by the Borrower pursuant to the Loan Agreement;

(d) The terms and provisions and form of the Assignment or Trust Agreement by which the City assigns and transfers, without recourse, all of its rights, title and interest in and to, and remedies with respect to (except for certain rights to indemnification and to payment of administrative expenses of the City, including any enforcement remedies available to the City with respect thereto) the receipts and revenues of the City from the Loan as set forth in Section 1 hereof;

(e) The determination as to whether the proceeds of the Bonds shall be paid directly to the Borrower or paid to, and disbursed by, a trustee or trustees or agent for the benefit of the holders of the Bonds, if any such agent, trustee or trustees is appointed, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such a capacity or a similar capacity;

(f) The determination as to whether the Loan payments shall be made directly to the holder or holders of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution which regularly serves in such capacity or a similar capacity;

(g) The determination as to whether the assignment of the receipts and revenues of the City from the Loan should be made directly to the holder of the Bonds or to an agent, trustee or trustees for the benefit of the holders of the Bonds, and, if necessary, the appointment of such agent, trustee or trustees, provided that such agent, trustee, or trustees shall have been approved by the original purchasers of the Bonds or shall be a financial institution regularly serving in such capacity or a similar capacity;

(h) The form of, and the terms and provisions of any mortgage, deed of trust, assignment of leases or security agreement or other security instrument covering the Facility or any portion thereof or any interest therein or any other property as security for the Loan or the Bonds;

(i) The terms and the provisions of any contract, agreement, trust or other instrument (including, without limitation, any guaranty agreement) which it deems necessary or appropriate in connection with the issuance, sale and delivery of the Bonds, the making of the Loan and the acquisition of the Facility;

(j) A determination of the identity of any investment banker, underwriter, placement agents or other broker to be employed by or on behalf of the City in connection with the issuance, sale and delivery of the Bonds and the form of any preliminary and final official statement issued in connection with any public offering of the Bonds or any offering memorandum or other official informational document prepared in connection with any private placement of the Bonds;

(k) The determination of the date, time and place when any purchase agreement or proposal shall be submitted for the Bonds, the terms or provisions of any such agreement or proposal and such other matters as the underwriters, investment bankers or other placement agents employed in connection with the issuance of the Bonds may request; and

(l) Such other matters, details, forms, documents or procedures as he may deem appropriate or desirable to the sale, security, issuance, delivery or payment of or for the Bonds for the Loan, including, without limitation, the creation of security for the Bonds and the Loan and provision for the administration of the Bonds, such as trusts or other instruments with banks or trust companies regarding countersignature or delivery of the Bonds or security for the Bonds or the Loan.

SEC. 9. *And be it further resolved*, That neither the Bonds nor the interest thereon shall ever constitute a pledge of or involve the faith and credit or the taxing power of the City, and neither shall ever constitute a debt of the City within the meaning of Section 7 of Article XI of the Constitution of Maryland or any other constitutional, statutory or charter provision limiting or restricting the

sale or issuance of the bonds, notes or other obligations of the City, and neither shall ever constitute or give rise to any pecuniary liability of the City. The Bonds, and the interest thereon, shall be limited obligations of the City, the principal of and interest on which Bonds shall be payable by the City solely from the revenue derived from Loan repayments (both principal and interest) made to the City by the Borrower on account of the Loan and, to the extent provided by the Board or the Mayor, from the proceeds of the Bonds, and from any other moneys made available to the City for such purpose.

SEC. 10. *And be it further resolved*, That this Resolution constitutes the present intent of the City to issue the Bonds and the Mayor of the City is hereby authorized to accept the Letter of Intent on behalf of the City in order to further evidence the commitment of the City to issue the Bonds for the benefit of the Borrower. The City intends that the enactment of this Resolution shall be and constitute "official action" within the meaning of Section 1.103-8(a)(5) of the Income Tax Regulations prescribed by the United States Department of Treasury pursuant to Section 103 of the Code. The City and the Borrower contemplate that, upon the effectiveness of this Resolution, the Borrower may commence the acquisition of the Facility prior to the issuance, sale and delivery of the Bonds; provided, however that if the Borrower proceeds with the acquisition of the Facility prior to the issuance of the Bonds, the Borrower does so at its own risk.

SEC. 11. *And be it further resolved*, That it is hereby found and determined that the best interests of the City will be served by selling the Bonds, at par, at private (negotiated) sale as authorized by the Act, upon the terms and conditions determined by the Board or the Mayor subject to the terms of this Resolution provided, however, that the Bonds may be sold at public (competitive) sale or below or above par (with the consent of the Borrower) if the Board or the Mayor determines that it is in the best interests of the City, to sell the Bonds at a public (competitive) sale or sale above or below par.

SEC. 12. *And be it further resolved*, That, in lieu of a resolution of the Board of Finance, the Mayor of the City is hereby authorized to approve or prescribe, by Executive Order, any matters which the Board is authorized to approve or prescribe pursuant to this Resolution.

SEC. 13. *And be it further resolved*, That the Borrower shall agree that:

(a) It will submit any plans and specifications for the acquisition and installation of any portion of the Facility (other than the acquisition and installation of equipment only) to the Department of Housing and Community Development and the Department of Planning for approval, and that the Department of Housing and Community Development and the Department of Planning may refuse approval of any plans and specifications for aesthetic or functional reasons; and

(b) With respect to such portion of the Facility, the Borrower will work with the design advisory group appointed by the Department of Housing and Community Development and the Department of Planning in order to achieve high quality site, building and landscape design.

SEC. 14. *And be it further resolved*, That the provisions of this Resolution are severable, and if any provision, sentence, clause, section or part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Resolution would have been passed if such illegal, invalid or unconstitutional provision, sentence, clause, section or part had not been included herein, and if the person or circumstances to which this Resolution or any part hereof are inapplicable had been specifically exempted herefrom.

SEC. 15. *And be it further resolved*, That this Resolution is intended to be, and shall constitute, evidence of the intent of the City to issue and deliver the Bonds authorized hereby in accordance with the terms hereof, provided however, that if no Bonds have been issued pursuant to this Resolution within six months after the effective date of this Resolution or prior to December 31, 1985, whichever first occurs, the authority of the City to issue the Bonds granted hereunder shall end; provided, however, that the Board may, after a showing of good cause at a public hearing held before the Board, extend such authorization for one additional term not to exceed six months. The Board, in its sole discretion, shall determine the sufficiency, or lack thereof, of the reasons presented for any requested extension of this Resolution. If an extension is granted, notice of such extension and the reasons therefor must be sent to the City Council.

SEC. 16. *And be it further resolved*, That this Resolution shall take effect from the date of its passage.

Approved December 27, 1985

WILLIAM DONALD SCHAEFER, *Mayor*.

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Crittenton Place (3110-3130)	391	272
Etting Street (1222)	315	108
Fordleigh Road (4203)	318	119
Forest Hill Avenue to rear of Georgetown Road (2829-2833)	508	530
Forest Park Avenue (W3300-3302)	314	107
Greenspring Avenue, Cylburn Avenue and Northern Parkway	567	623
Hamilton Avenue northwest of Belair Road (5700-5710) ...	490	480
Kirby Lane (316)	325	140
North Avenue (E1700 Block)	319	120
Pennington Avenue	386	266
Singer Avenue east of Chestnut Avenue	360	214
39th Street (W104)	329	143
York Road (5833)	561	608
Parking Permits—		
City Council	528	556
Parking Reserved—		
Abington Avenue	564	611
Bonner Road	325	139
Cleveland Street, north of Ostend Street	535	563
Dolfield Avenue near Ridgewood Avenue	367	227
Druid Hill Avenue near Retreat Street	338	156
Elmley Avenue east of Erdman Avenue	373	243
Evesham Avenue east of Gilpin Road	495	490
Federal Street and Guilford Avenue	530	559
Fenwick Avenue	491	481
5th Street	304	80
Garrison Avenue	324	139
Glendale Avenue near Shadow Lane	279	31
Griffis Avenue east of Carroll Street	366	227
Holliday Street	306	81
Jackson Street	322	138
Kentucky Avenue south of Clifftmont Avenue	374	243
Kenwood Avenue near Federal Street	339	157
Kenyon Avenue	399	280
Lyndale Avenue east of Raymonn Avenue	397	279
Lyndale Avenue west of Chesterfield Avenue	404	300
McElderry Street	534	562
Morley Street	305	81
Parnell Avenue west of Central Avenue	383	264
Reverdy Road near Northwood Drive	277	30
Richwood Avenue, west of Wrenwood Avenue	536	563
St. Paul Street, near Lexington Street	303	80
St. Paul Street (Lower Level)	306	81

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St Paul Street (Upper Level)	527	556
South Washington Street north of Goygh Street	375	244
Streeper Street south of Fait Avenue	384	265
Ulman Avenue west of Reisterstown Road	398	279
Webster Street south of Heath Street	396	278
Weldon Place South	302	79
Wrenwood Avenue, west side, north of Willow Avenue	537	564
 Parking Reserved-Repealed -		
Glyndon Avenue-Repealed	563	610
Griffis Avenue (n/s)-Repealed	533	562
Lakewood Avenue (w/s)-Repealed	365	226
McHenry Street-Repealed	410	320
Ravenwood Avenue-Repealed	395	278
Weldon Place South-Repealed	532	561
Wilkes Lane (s/s)-Repealed	364	226
 Parking Revenue Obligations	573	637
 Paving Alleys Assessment	505	520
 Pedestrians on Highways	449	365
 Planned Unit Development -		
Caton and Wilkens Avenue	547	577
Church Square Shopping Center	519	543
Cold Spring Lane (W1040-1044)	358	211
Dickey Hill Forest Apartments	507	528
Hechinger-Reisterstown Road	498	501
St. Joseph's Passionist Retreat, Inc.	401	288
Victor B. Handal Business Center	525	553
 Police Department -		
Widows	346	173
 Preservation District -		
Upton	489	479
 Property Acquisitions -		
City Acquires -		
Reisterstown Road, extending from Liberty Heights Avenue Southeasterly by 21 feet for road construction ...	368	228
Stafford Street, Caton Avenue to Parksley Avenue	317	115
 Property Sales -		
City Sells -		
Boston Street and Clinton Streets	321	137
Caroline Street (N1400)	269	18

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Charles Street (N2304)	480	469
Clarks Lane and Fallstaff Road (south east Corner)	557	602
ES Vogt SEC of Furley Avenue	543	570
Franklin Street (W2285)	475	458
Inter-state Highway I-95	517	539
Loch Raven Watershed	479	464
NEC Echodale Avenue and Tramore Road	544	571
North Avenue (E1700-1701)	362	215
SWC Cromwell Street and Insulator Drive	493	487
28th Street, south of Sisson Street	541	567
White Avenue (4008)	312	99
Prostitution-Loitering	568	624
Residency Requirement-Mayor	19	713
Residential Permit Parking-Little Italy	483	473
Retail Business District -		
Highlandtown	556	597
Monument Street	548	580
Pimlico	546	573
Retirement-		
Early-Class C Members	504	519
Retirement System Investments	492	482
S		
Sewerage-Sludge Composting Facility	501	507
Signs -		
Advertising on Public Property	478	460
South African Investments	42	876
Street Encroachment -		
Calvert Street (N2301)	327	142
Calvert Street (S16)	539	565
Cambridge Avenue (2326)	487	478
Charles Street (S100)	361	215
Commerce Street	381	260
Custom House Avenue	381	260
Malden Avenue (3658)	502	512
Mt. Vernon Place (E12)	348	196
New Orleans Street (1900, 1902, 1904, 1906, 1908, 1910, 1912, 1914, 1916, and 1918)	330	146

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Streets-Close—		
Camden Street, lying within Inner Harbor West Urban Re- newal Project	309	93
Chester Street	271	20
George Street	560	606
Hampden Avenue	529	557
Hawk Street and Concord Street, lying within Municipal Center Urban Renewal Project	380	258
Inner Harbor East Urban Renewal Project	275	25
Inner Harbor Project I Urban Renewal Project	311	97
Inter-state Route No. 95, south of Clarinda Avenue	276	27
Moshier Street, from Malster Avenue Northeasterly	280	32
Park Avenue, between Howard Street and Preston Street .	288	53
Pearl Street, north of Fayette Street	484	474
Rockrose Avenue	408	317
St. Paul Street, south from Fayette Street	481	470
St. Paul Street, south of Fayette Street	472	453
Vail Street, south of O'Donnell Street	394	276
Wilkes Lane, from N. Calvert Street Westerly	472	453
Streets-Name Change—		
Horseradish Alley to Salisbury Alley	488	479
Streets-Open—		
Camden Street, lying within Inner Harbor West Urban Re- newal Project	308	91
Chester Street	270	19
George Street	559	604
Hawk Street and Concord Street, lying within Municipal Center Urban Renewal Project	379	257
Inner Harbor East Urban Renewal Project	274	24
Inner Harbor Project I Urban Renewal Project	310	95
Pearl Street	474	456
Rockrode Avenue, northwesterly	407	315
Vail Street, south of O'Donnell Street	393	274
Wilkes Lane, from N. Calvert Street Westerly	481	470
Stun Guns	385	265

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Taxes-Property—		
\$6 on every \$100	476	459
Taxes-Recordation	389	270
Taxes-Repeal—		
Garbage Disposal Charges	518	541
Telephone Cable	550	584

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Urban Renewal-

Caton/95-Amendment #2	575	641
Coldspring-Amendment #4	382	261
Coldspring-Amendment #5	572	634
Druid Heights-Amendment #3	281	34
Financial District Plan-Amendment #4	500	504
Gay Street I-Amendment #4	520	545
Johnston Square-Amendment #5	569	625
Market Center West-Amendment #1	347	175
Middle East #4	467	426
Penn North Transit Station-Amendment #2	316	109
Washington Hill-Chapel-Amendment #8	269	9

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Walters Art Gallery-Trustees	552	587
Wastewater Projects	344	169
Water Projects	343	167

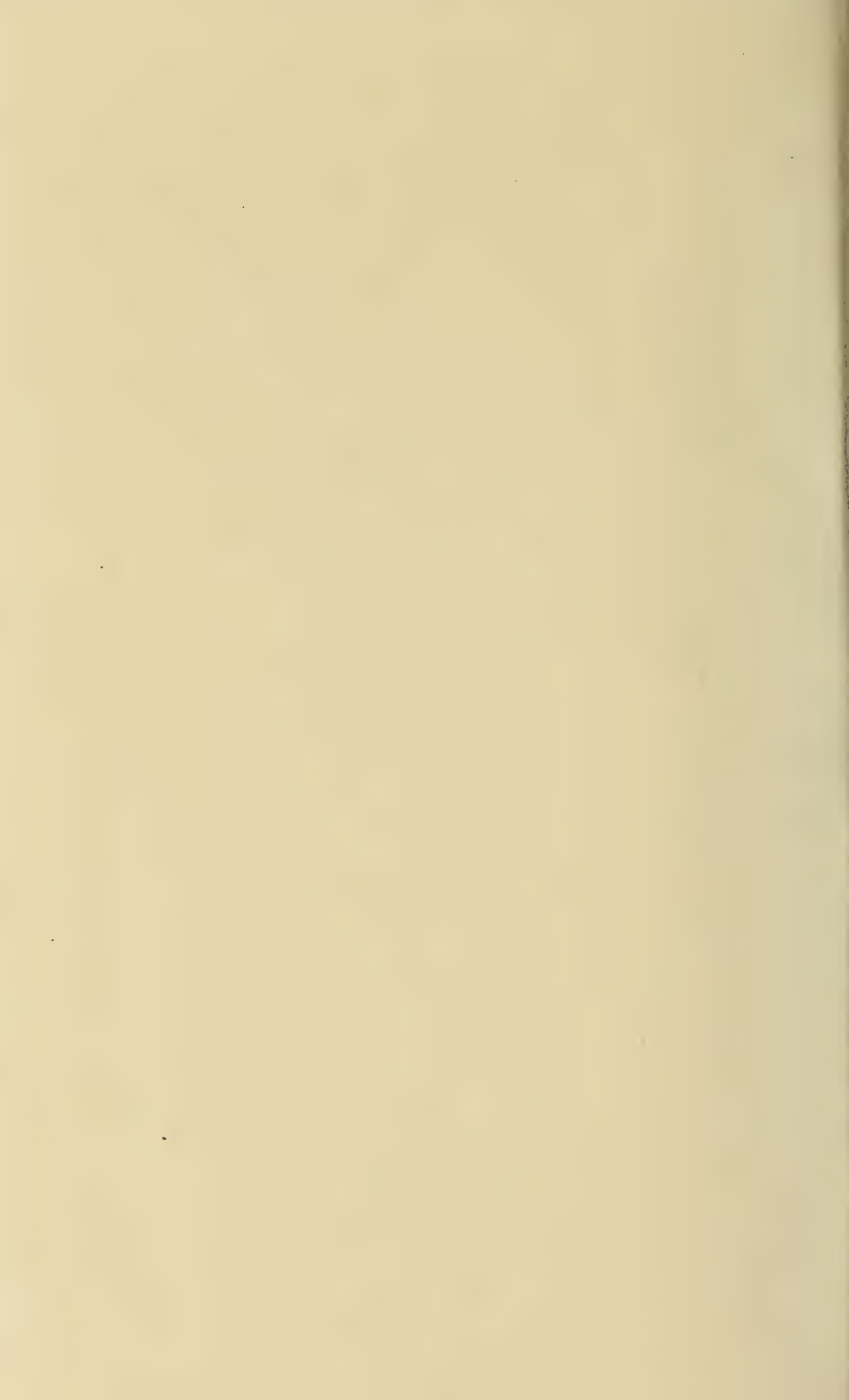
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Zoning-

Aisquith Street (1032-1044)	578	711
Andre Street (1300)	292	65
Boston Street (2639)	499	503
Boston Street (2809)	473	455
Cold Spring Lane (412-414)	514	536
Colvin Street (427-437)	465	424
Community Corrections Center (Juvenile), Presstman Street (1501-1503)	392	273
Division Street (2216)	282	46
East Street (422-430)	465	424
Eastbourne Avenue and Elrino Street	370	238
Guilford Avenue (2334-2342)	278	30
Hanover Street (S1137-1147)	515	537
Harford Avenue (1039-1065)	578	711
Harford Road (2920, 2926)	513	535
Hillen Street (1019-1039)	465	424
Market Center Urban Renewal Area	372	240
Market Center West Urban Renewal Area	371	239
North Avenue (E127)	272	22
North Avenue (E127)	273	23
North Avenue (E201-231/233, 301-327, 435-437)	466	425

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Northern Parkway (3615)	512	534
O'Donnell Street (3003)	290	62
Oliver Street (E2113-2117)	402	292
Orchard Biddle Urban Renewal Area	540	566
Patapsco Avenue (E801-805)	570	632
Seton Institute Property	542	569
Submerged Land, Boston Street (2809)	555	596
Union Memorial Hospital	293	66
York Road (4700-4728)	514	536
 Planned Unit Development—		
Caton and Wilkens Avenue	547	577
Church Square Shopping Center	519	543
D.R. Development Joint Venture Inc.	358	211
Hechinger-Reisterstown Road Plaza	498	501
St. Joseph's Passionist Retreat Inc.	401	288
Victor B. Handal Business Center	525	553
 Zoning Code—		
Auction Rooms	538	564
Central Business District	509	531
Enforcement	545	572
Marinas	291	63
Microwave Antennas (Satellite Dishes) ..	266	2
Video Movie Stores, Sales and Rentals ..	558	603

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